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OF

THE ACTS

PASSED BY THE

GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1869.

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TITLES

OF

ACTS PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1869.

ACT No.	I.	An Act to define the rights of Taluqdárs and others in certain estates in Oudh, and to regulate the succession thereto.
—	II.	for the appointment of Justices of the Peace.
—	III.	for the maintenance of the Rural Police in the North-Western Provinces.
—	IV.	to amend the law relating to Divorce and Matrimonial Causes in India.
—	V.	to consolidate and amend the Articles of War for the government of Her Majesty's Native Indian Forces.
—	VI.	to amend the law relating to the Emigration of Native Labourers.
—	VII.	to give validity to certain Rules relating to Forests in British Burma.
—	VIII.	further to amend the Code of Criminal Procedure.
—	IX.	for imposing duties on Income and Profits arising from Offices, Property, Professions and Trades.
—	X.	to abolish the Police Superannuation Funds.
—	XI.	to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.
—	XII.	to amend the law relating to Customs Duties.
—	XIII.	further to amend the Procedure of the High Court of Judicature for the North-Western Provinces.
—	XIV.	to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.
—	XV.	to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them.

PRICE ONE RUPEE AND EIGHT ANNAS.

Act No. XVI. An Act to exclude the ordinary Civil Courts from the cognizance of suits relating to land in the Bhutan Dvárs, and for other purposes.

— XVII. to shorten the time for landing cargo.

— XVIII. for imposing Stamp Duties on certain instruments.

— XIX. to facilitate administration to the estates of deceased British subjects in the Hyderabad Assigned Districts.

— XX. to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.

— XXI. to provide against European Vagrancy.

— XXII. to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.

— XXIII. to enhance the duties leviable under the Indian Income Tax Act.

— XXIV. to enhance the price of salt in the Presidency of Fort Saint George and the duty on salt in the Presidency of Bombay.

— XXV. to provide rules for the manufacture, storing and sale of alimentary salt in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces.

— XXVI. to correct a clerical error in Act No. VIII of 1863.

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OUDH ESTATES' ACT, 1869.

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BENGAL SECRETARIAT LIBRARY

ACT No. I OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th January 1869).

An Act to define the rights of Taluqdárs and others in certain estates in Oudh, and to regulate the succession thereto.

Preamble.

WHEREAS, after the re-occupation of Oudh by the British Government in the year 1858, the proprietary right in divers estates in that province was, under certain conditions, conferred by the British Government upon certain Taluqdárs and others; and whereas doubts may arise as to the nature of the rights of the said Taluqdárs and others in such estates, and as to the course of succession thereto; and whereas it is expedient to prevent such doubts, and to regulate such course, and to provide for such other matters connected therewith as are hereinafter mentioned; It is hereby enacted as follows:—

I.—Preliminary.

Short title.
Extent of Act.

1. This Act may be cited as "The Oudh Estates' Act, 1869," and shall extend only to the estates hereinafter referred to.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context—

"Transfer."

"Transfer" means an alienation *inter vivos*;

"Will."

"Will" means the legal declaration of the intentions of the testator with respect to his property affected by this Act, which he desires to be carried into effect after his death;

"Codicil."

"Codicil" means an instrument made in relation to a Will, and explaining, altering, or adding to its dispositions: It is considered as forming an additional part of the Will;

"Signed"

"Signed."

"Signed" applies to the affixing of a mark;

"Registered."

"Registered" means registered according to the provisions of the rules relating to the registration of assurances for the time being in force in Oudh;

"Minor."
"Minority."

"Minor" means any person who shall not have completed the age of eighteen years, and "minority" means the status of such person;

"Taluqdár."

"Taluqdár" means any person whose name is entered in the first of the lists mentioned in section eight;

"Grantee."

"Grantee" means any person upon whom the proprietary right in an estate has been conferred by a special grant of the British Government, and whose name is entered in the fifth or sixth of the lists mentioned in section eight;

"Estate."

"Estate" means the taluqa or immoveable property acquired or held by a Taluqdár or Grantee in the manner mentioned in section three, section four, or section five, or the immoveable property conferred by a special grant of the British Government upon a Grantee;

"Heir."
"Legatee."

"Heir" means a person who inherits property otherwise than as a widow, under the special provisions of this Act; and "legatee" means a person to whom property is bequeathed under the same provisions;

Words expressing relationship.

Words expressing relationship denote only legitimate relatives, but apply to children in the womb who are afterwards born alive.

II.—Rights and liabilities of Taluqdárs and Grantees.

Taluqdárs to have heritable and transferable rights in their estates.

3. Every Taluqdár with whom a summary settlement of the Government revenue was made between the first day of April 1858 and the tenth day of October 1859, or to whom, before the passing of this Act and subsequently to the first day of April 1858, a taluqdárí sanad has been granted,

shall

shall be deemed to have thereby acquired a permanent, heritable and transferable right in the estate comprising the villages and lands named in the list attached to the agreement or kabúliyat executed by such Taluqdár when such settlement was made,

or which may have been or may be decreed to him by the Court of an officer engaged in making the first regular settlement of the province of Oudh, such decree not having been appealed from within the time limited for appealing against it, or, if appealed from, having been affirmed,

Subject to certain conditions

subject to all the conditions affecting the Taluqdár contained in the orders passed by the Governor General of India on the tenth and nineteenth days of October 1859 and re-published in the first schedule hereto annexed, and subject also to all the conditions contained in the sanad under which the estate is held.

Rights and liabilities of persons named in second schedule.

4. Every person whose lands the proclamation issued in Oudh in the month of March 1858 by order of the Governor General of India specially exempted from confiscation, and whose names are contained in the second schedule hereto annexed, shall be deemed to possess in the lands for which such person executed a kabúliyat between the first day of April 1858 and the first day of April 1860 the same right and title which he would have possessed thereto if he had acquired the same in the manner mentioned in section three; and he shall be deemed to hold the same subject to all the conditions affecting Taluqdárs which are referred to in the said section, and to be a Taluqdár for all the purposes of this Act.

Grantees' rights and liabilities.

5. Every Grantee shall possess the same rights and be subject to the same conditions in respect of the estate comprised in his grant as a Taluqdár possesses and is subject to, under section three, in respect of his estate.

Saving of certain redemption-suits.

6. Nothing in sections three, four and five, or in the said orders, or in any sanad, shall be deemed to bar a suit for redemption,

(*a*) where the instrument of mortgage was executed on or after the thirteenth day of February 1844 and fixed no term within which the property comprised therein might be redeemed, or

(*b*) where

(*b*) where the instrument of mortgage fixed a term within which the property comprised therein might be redeemed, and such term did not expire before the thirteenth day of February 1856.

Heirlooms

7. If a Taluqdár or Grantee, or any heir or legatee of a Taluqdár or Grantee, desire that any elephants, jewels, arms or other articles of moveable property belonging to him shall devolve along with his estate, he shall take an inventory of such articles. Such inventory shall be signed by him and deposited in the office of the Deputy Commissioner of the District wherein such estate or the greater part thereof is situate; and thereupon such of the said articles as shall not have been transferred shall (so far as may be possible) be used and enjoyed by the person who, under or by virtue of this Act, is for the time being in actual possession or in receipt of the rents and profits of the said estate or the greater part thereof, otherwise than as mortgagee or lessee.

III.—*Lists of Taluqdárs and Grantees.*

Preparation of lists of Taluqdárs and Grantees.

8. Within six months after the passing of this Act, the Chief Commissioner of Oudh, subject to such instructions as he may receive from the Governor General of India in Council, shall cause to be prepared six lists, namely:—

First.—A list of all persons who are to be considered Taluqdárs within the meaning of this Act;

Second.—A list of the Taluqdárs whose estates, according to the custom of the family on and before the thirteenth day of February 1856, ordinarily devolved upon a single heir;

Third.—A list of the Taluqdárs, not included in the second of such lists, to whom sanads or grants have been or may be given or made by the British Government up to the date fixed for the closing of such lists, declaring that the succession to the estates comprised in such sanads or grants shall thereafter be regulated by the rule of primogeniture;

Fourth.—A list of the Taluqdárs to whom the provisions of section twenty-three are applicable;

Fifth.

Fifth.—A list of the Grantees to whom sanads or grants have been or may be given or made by the British Government, up to the date fixed for the closing of such list, declaring that the succession to the estates comprised in such sanads or grants shall thereafter be regulated by the rule of primogeniture;

Sixth.—A list of the Grantees to whom the provisions of section twenty-three are applicable.

Publication of lists.

9. When the lists mentioned in section eight shall have been approved by the Chief Commissioner of Oudh, they shall be published in the *Gazette of India*. After such publication, the first and second of the said lists shall not, except in the manner provided by section thirty or section thirty-one, as the case may be, be liable to any alteration in respect of any names entered therein.

Supplementary list.

If, at any time after the publication of the said lists, it appears to the Governor General of India in Council that the name of any person has been wrongly omitted from or wrongly entered in any of the said lists, the said Governor General in Council may order the name to be inserted in the proper list, and such name shall be published in the *Gazette of India* in a supplementary list, and such person shall be treated in all respects as if his name had been from the first inserted in the proper list.

None but persons named in lists to be deemed Taluqdárs or Grantees.

10. No persons shall be considered Taluqdárs or Grantees within the meaning of this Act, other than the persons named in such original or supplementary lists as aforesaid. The Courts shall take judicial notice of the said lists and shall regard them as conclusive evidence that the persons named therein are such Taluqdárs or Grantees.

IV.—*Powers of Taluqdárs and Grantees to transfer and bequeath.*

Taluqdárs and Grantees may transfer and bequeath.

11. Subject to the provisions of this Act, and to all the conditions under which the estate was conferred by the British Government, every Taluqdár and Grantee, and every heir and legatee of a Taluqdár and Grantee, of sound mind and not a minor, shall be competent to transfer the whole or any portion of his estate, or of his right and interest therein, during his life-time, by sale, exchange, mortgage, lease or gift, and to bequeath by his will to any person the whole or any portion of such estate, right and interest.

A married woman may make a bequest under this Act of any property which she could alienate by her own act during her life.

Persons who are deaf or dumb or blind are not thereby incapacitated for making a transfer or bequest under this Act, if they are able to know what they do by it.

One who is ordinarily insane may make a transfer or bequest under this Act during an interval in which he is of sound mind.

No person can make a transfer or bequest under this Act while he is in such a state of mind, whether from drunkenness, or from illness, or from any other cause, that he does not know what he is doing.

A transfer and a will, or any part of a will, the making of which has been caused by fraud or coercion or by such importunity as takes away the free agency of the transferor or testator, is void.

Rule against perpetuity.

12. No transfer or bequest under this Act shall be valid whereby the vesting of the thing transferred or bequeathed may be delayed beyond the life-time of one or more persons living at the decease of the transferee or testator and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the thing transferred or bequeathed is to belong.

Restriction as to donees and legatees.

13. No Taluqdár or Grantee, and no heir or legatee of a Taluqdár or Grantee, shall have power to give or bequeath his estate, or any portion thereof, or any interest therein, to any person not being either—

(1.)—a person who, under the provisions of this Act, or under the ordinary law to which persons of the donor's or testator's tribe and religion are subject, would have succeeded to such estate or to a portion thereof, or to an interest therein, if such Taluqdár or Grantee, heir or legatee, had died intestate, or

(2.)—a younger son of the Taluqdár or Grantee, heir or legatee, in case the name of such Taluqdár or Grantee appears in the third or the fifth of the lists mentioned in section eight,

except

except by an instrument of gift or a will executed and attested, not less than three months before the death of the donor or testator, in manner herein provided in the case of a gift or will, as the case may be, and registered within one month from the date of its execution.

V.—*Transfers and Bequests.*

Transfers and bequests to Taluqdárs or heirs.

14. If any Taluqdár or Grantee shall heretofore have transferred or bequeathed, or if any Taluqdár or Grantee, or his heir or legatee, shall hereafter transfer or bequeath, the whole or any portion of his estate to another Taluqdár or Grantee, or to such younger son as is referred to in section thirteen, clause two, or to a person who would have succeeded according to the provisions of this Act to the estate or to a portion thereof if the transferor or testator had died without having made the transfer and intestate, the transferee or legatee and his heirs and legatees shall have the same rights and powers in regard to the property to which he or they may have become entitled under or by virtue of such transfer or bequest, and shall hold the same subject to the same conditions and to the same rules of succession as the transferor or testator.

Transfers and bequests to persons out of line of succession.

15. If any Taluqdár or Grantee shall heretofore have transferred or bequeathed, or if any Taluqdár or Grantee or his heir or legatee shall hereafter transfer or bequeath to any person not being a Taluqdár or Grantee the whole or any portion of his estate, and such person would not have succeeded according to the provisions of this Act to the estate or to a portion thereof if the transferor or testator had died without having made the transfer and intestate, the transfer of and succession to the property so transferred or bequeathed shall be regulated by the rules which would have governed the transfer of and succession to such property if the transferee or legatee had bought the same from a person not being a Taluqdár or Grantee.

Transfers to be in writing, signed and attested.

16. No transfer of any estate, or of any portion thereof, or of any interest therein, made by a Taluqdár or Grantee or by his heir or legatee under the provisions of this Act, shall be valid unless made by an instrument in writing signed by the transferor and attested by two or more witnesses.

17. If

Further requisites to validity of gifts *inter vivos.*

17. If any such transfer be made by gift, the gift shall not be valid unless, within six months after the execution of the instrument of gift, the gift be followed by delivery by the donor, or his representative in interest, of possession of the property comprised therein, nor unless the instrument shall have been registered within one month from the date of its execution.

Gifts to religious or charitable uses.

18. No Taluqdár or Grantee, and no heir or legatee of a Taluqdár or Grantee, shall have power to give his estate, or any portion thereof or interest therein, to religious or charitable uses, except by an instrument of gift executed not less than three months before his death, and subject to the provisions contained in section seventeen.

VI.—*Testamentary Succession.*

Sections of Succession Act applied to wills of Taluqdárs.

19. Sections 49, 50, 51, 54, 55, and 57 to 77 (both inclusive), and sections 82, 83, 85, and 88 to 98 (both inclusive) of the Indian Succession Act (No. X of 1865), shall apply to all wills and codicils made by any Taluqdár or Grantee, or by his heir or legatee, under the provisions of this Act, for the purpose of bequeathing to any person his estate, or any portion thereof, or any interest therein : Provided that marriage shall not revoke any such will or codicil : Provided also that nothing herein contained shall affect wills made before the passing of this Act.

In applying the said sections to wills and codicils made under this Act, all words hereinbefore defined, and occurring in such sections, shall (unless there be something repugnant in the subject or context) be deemed to have the same meaning as this Act has attached to such words respectively.

Bequests to religious and charitable uses.

20. No Taluqdár or Grantee, and no heir or legatee of a Taluqdár or Grantee, having a child, parent, brother, unmarried sister, or a nephew, being the naturally born son of a brother of such Taluqdár or Grantee, heir or legatee, shall have power to bequeath his estate or any part thereof or any interest therein exceeding in amount or value the sum of two thousand rupees to religious or charitable uses, except by a will executed not less than three months before his death, and registered within one month from the date of its execution.

VII.—*Intestate*

VII.—*Intestate Succession.*

'Son,' 'descendants,' 'daughter,' 'brother,' 'widow,' defined.

21. In the next following section, unless where there is something repugnant in the context, the words 'son,' 'descendants,' 'daughter' and 'brother' apply only to *najíb-ul-tarfain*, and the word 'widow' applies only to a woman belonging to the *ahl-i-brádarí* of her deceased husband.

Special rules of succession to intestate Taluqdárs and Grantees.

22. If any Taluqdár or Grantee whose name shall be inserted in the second, third, or fifth of the lists mentioned in section eight, or his heir or legatee, shall die intestate as to his estate, such estate shall descend as follows, *viz* :—

(1).—To the eldest son of such Taluqdár or Grantee, heir or legatee, and his male lineal descendants, subject to the same conditions and in the same manner as the estate was held by the deceased;

(2).—Or if such eldest son of such Taluqdár or Grantee, heir or legatee, shall have died in his life-time, leaving male lineal descendants, then to the eldest and every other son of such eldest son successively, according to their respective seniorities, and their respective male lineal descendants, subject as aforesaid;

(3).—Or if such eldest son of such Taluqdár or Grantee, heir or legatee, shall have died in his father's life-time without leaving male lineal descendants, then to the second and every other son of the said Taluqdár or Grantee, heir or legatee, successively, according to their respective seniorities, and their respective male lineal descendants, subject as aforesaid;

(4).—Or in default of such son or descendants, then to such son (if any) of a daughter of such Taluqdár or Grantee, heir or legatee, as has been treated by him in all respects as his own son, and to the male lineal descendants of such son, subject as aforesaid;

(5).—Or in default of such son or descendants, then to such person as the said Taluqdár or Grantee, heir or legatee, shall have adopted by a writing executed and attested in manner required in case of a will and registered, subject as aforesaid;

(6).—Or

(6).—Or in default of such adopted son, then to the eldest and every other brother of such Taluqdár or Grantee, heir or legatee, successively, according to their respective seniorities, and their respective male lineal descendants, subject as aforesaid;

(7).—Or in default of any such brother, then to the widow of the deceased Taluqdár or Grantee, heir or legatee; or, if there be more widows than one, to the widow first married to such Taluqdár or Grantee, heir or legatee, for her life-time only;

(8).—And upon the death of such widow, then to such son as the said widow shall, with the consent in writing of her deceased husband, have adopted by a writing executed and attested in manner required in case of a will and registered, subject as aforesaid;

(9).—Or on the death of such first married widow and in default of a son adopted by her with such consent and in such manner as aforesaid, then to the other widow, if any, of such Taluqdár or Grantee, heir or legatee, next in order of marriage, for her life, and on the death of such other widow, to a son adopted by her with such consent and in such manner as aforesaid; or in default of such adopted son, then to the other surviving widows according to their respective seniorities as widows, for their respective lives, and on their respective deaths, to the sons so adopted by them respectively, and to the male lineal descendants of such sons respectively, subject as aforesaid;

(10).—Or in default of any such widow or of any son so adopted by her, or of any such descendant, then to the male lineal descendants, not being *najíb-ul-tarfain*, of such Taluqdár or Grantee, heir or legatee, successively, according to their respective seniorities and their respective male lineal descendants, whether *najíb-ul-tarfain* or not;

(11).—Or in default of any such descendant, then to such persons as would have been entitled to succeed to the estate under the ordinary law to which persons of the religion and tribe of such Taluqdár or Grantee, heir or legatee, are subject.

Nothing contained in the former part of this section shall be construed to limit the power of alienation conferred by section eleven.

23. Except

23. Except in the cases provided for by section twenty-two, the succession to all property left by Taluqdárs and Grantees, and their heirs and legatees, dying intestate, shall be regulated by the ordinary law to which members of the intestate's tribe and religion are subject.

General rule of succession to intestate Taluqdárs and Grantees.

VIII.—*Maintenance.*

24. When any Taluqdár or Grantee, or his heir or legatee, dies leaving him surviving such relatives as are hereinafter mentioned, the person for the time being in the possession of his estate or the rents and profits thereof shall be liable to pay to each of such relatives during his or her life, or for such other period as is hereinafter mentioned, by twelve equal monthly payments, an annuity in accordance with the custom of the country not exceeding such amount as is hereinafter mentioned: Provided that such relative was at the date of the death of the deceased living together with him: Provided also that such relative is and continues to be without any other adequate means of maintenance.

Maintenance of surviving relatives of Taluqdárs and Grantees.

If any part of such estate shall have been transferred or bequeathed by the deceased, the person for the time being in possession of such part, or of the rents and profits thereof, shall be liable to pay proportionate parts of the said annuities during the continuance thereof respectively.

25. In the case of the grandparents, parents, and senior widows of the deceased, the maximum amount of the annuity shall be as follows:—

Grandparents, parents, and senior widows.

(*a*.) where the annual revenue payable to Government in respect of the estate is or exceeds 1,50,000 rupees——a sum not exceeding 6,000 rupees:

(*b*.) where such revenue is or exceeds 100,000 rupees, but is less than 1,50,000 rupees——a sum not exceeding 2,400 rupees:

(*c*.) where such revenue is or exceeds 50,000 rupees, but is less than 100,000 rupees——a sum not exceeding 1,200 rupees:

(*d*.) where such revenue is or exceeds 25,000 rupees, but is less than 50,000 rupees——a sum not exceeding 600 rupees:

(*e*). where

(*e.*) where such revenue is or exceeds 15,000 rupees, but is less than 25,000 rupees——a sum not exceeding 360 rupees:

(*f.*) where such revenue is or exceeds 7,000 rupees, but is less than 15,000 rupees——a sum not exceeding 240 rupees; and

(*g.*) where such revenue is less than 7,000 rupees——a sum not exceeding 180 rupees.

Junior widows.

In the case of a junior widow of the deceased, the maximum amount of the annuity shall be one-half of the maximum amount to which a senior widow of the deceased would be entitled under the former part of this section.

Brothers and minor sons.

26. In the case of brothers and minor sons of the deceased, the maximum amount of the annuity shall be a sum not more than 1,200 rupees.

Nephews.

In the case of nephews of the deceased, being fatherless minors, the maximum amount of the annuity shall be a sum not more than 600 rupees.

Unmarried daughters, widows of sons and brothers and inferior widows.

27. In the case of unmarried daughters of the deceased, widows of his sons and brothers, and his widows not of his *ahl-i-brádarí*, the maximum amount of the annuity shall be a sum not more than 360 rupees.

Continuance of annuities.

28. Subject to the provisions hereinbefore contained, the said annuities shall continue,

(*a*) in the case of a minor son or a minor nephew, till he ceases to be a minor;

(*b*) in the case of a daughter or widow, till she voluntarily leaves the household of the heir or legatee of the deceased, or would, according to the custom of the country, cease to be entitled to maintenance, and

(*c*) in all other cases, till the annuitant dies.

IX.—*Miscellaneous.*

IX.—*Miscellaneous.*

Muhammadan Taluqdárs and Grantees empowered to adopt.

29. Every Muhammadan Taluqdár, Grantee, heir or legatee, and every widowof a Muhammadan Taluqdár or Grantee, heir or legatee, with the consent in writing of her deceased husband, shall, for the purposes of this Act, have power to adopt a son whenever, if he or she were a Hindú, he or she might adopt a son.

Such power shall be exerciseable only by writing executed and attested in manner required by section nineteen in case of a will and registered.

Alteration of rules of intestate succession in cases of Taluqdárs and Grantees named in list 3 or list 5.

30. Any Taluqdár or Grantee whose name has been entered in the third or fifth of the lists mentioned in section eight, or his heir or legatee, may, at any time hereafter, present to the Chief Commissioner of Oudh a declaration in writing, executed and registered in the manner required by this Act for the execution and registration of an instrument of gift, that he is desirous that the succession to his estate shall, in case of his intestacy, cease to be regulated in the manner described in section twenty-two, and that it shall in future be regulated by the ordinary law to which members of his tribe and religion are subject.

On receiving such declaration, the said Chief Commissioner shall cause to be inserted the name of such Taluqdár or Grantee, heir or legatee, in the fourth or sixth (as the case may be) of the lists mentioned in section eight, and shall cause a note thereof to be made in the proper place in the third or fifth (as the case may be) of the said lists, and the succession to such estate shall thenceforward, in case of intestacy, be regulated in the manner provided by section twenty-three.

Reverter to ordinary law of succession.

31. Any Taluqdár or Grantee, heir or legatee, may, at any time hereafter, present to the Chief Commissioner of Oudh a declaration in writing, executed and registered in the manner required by this Act for the execution and registration of instruments of gift, that he is desirous that his estate should in future be held subject to the ordinary law of succession to which members of his tribe and religion are subject.

On receiving such declaration, the Chief Commissioner shall cause a note thereof to be made in the proper places in each of the lists mentioned in section eight

eight in which the name of such Taluqdár or Grantee, heir or legatee, has been entered, and thenceforward none of the provisions of this Act shall apply to such estate, which shall thenceforward be held subject in all respects to the ordinary law of succession to which members of his tribe and religion are subject.

Saving of rights of creditors.

32. Nothing hereinbefore contained shall affect any right which the creditors of any person making a transfer or bequest under the provisions of this Act, would have possessed as against the property comprised in such transfer or bequest if this Act had not been passed.

Awards as to compensation and maintenance.

33. And whereas bodies of Taluqdárs have in several cases made awards respecting the provision to be made for certain relatives of Taluqdárs, and it is expedient to render such awards legally enforceable; it is hereby further enacted that every such award shall, if approved by the Financial Commissioner of Oudh and filed in his Court within six months after the passing of this Act, be enforceable as if a Court of competent jurisdiction had passed judgment according to the award and a decree had followed upon such judgment.

SCHEDULES.

First Schedule.

(See section 3.)

I.

From C. Beadon, Esq., Secretary to the Government of India, Foreign Department, to C. J. Wingfield, Esq., Chief Commissioner of Oudh,—(No. 6268, dated 10th October 1859.)

No. 1091, dated the 4th June.
No. 1377, dated the 15th July.

I am directed by the Governor General in Council to acknowledge the receipt of your Secretary's letters noted in the margin, relative to the Taluqdári settlement of Oudh.

2. His Excellency in Council, agreeing with you as to the expediency of removing all doubts as to the intention of the Government to maintain the Taluqdárs in possession of the taluqas for which they have been permitted to engage, is pleased to declare that every Taluqdár with whom a summary settlement has been made since the re-occupation of the province, has thereby acquired a parmanent hereditary and transferable proprietary right, *viz.*, in the taluqa for which he has engaged, including the perpetual privilege of engaging with the Government for the revenue of the taluqa.

This

3. This right is, however, conceded, subject to any measure which the Government may think proper to take for the purpose of protecting the inferior Zamíndárs and village occupants from extortion, and of upholding their rights in the soil in subordination to the Taluqdárs.

4. The Governor General in Council desires that you will have ready, by His Excellency's arrival at Lucknow, a list of the Taluqdárs upon whom a permanent proprietary right has now been conferred; and that you will prepare sanads to be issued to these Taluqdárs at that time. The sanads will be given by, and will run in the name of, the Chief Commissioner, acting under the authority of the Governor General.

5. I am directed to add that, as regards Zamíndárs and others, not being Taluqdárs, with whom a summary settlement has been made, the orders conveyed in the limitation Circular No. 31 of the 28th of January 1859, must not be strictly observed. Opportunity must be allowed at the next settlement to all disappointed claimants to bring forward their claims, and all such claims must be heard and disposed of in the usual manner.

II.

From C. BEADON, ESQ., Secretary to the Government of India, Foreign Department, with the Governor General, to Chief Commissioner, Oudh,—(No. 23, dated 19th October 1859).

I am directed by His Excellency the Governor General to acknowledge the receipt of your demi-official letter of the 15th instant, enclosing a form of sanad to be given to the Taluqdárs of Oudh, granting them a full and permanent proprietary right in the taluqas for which they have severally been permitted to engage at the summary settlement.

2. This form of sanad is generally approved, and a revised copy, with some few alterations, is herewith enclosed for adoption and for careful translation into the Hindústání language, in which the sanads will be prepared.

3. The sanads declare that while, on the one hand, the Government has conferred on the Taluqdárs and on their heirs for ever the full proprietary right in their respective estates, subject only to the payment of the annual revenue that may be imposed from time to time, and to certain conditions of loyalty and good service, on the other hand, all persons holding an interest in the land under the Taluqdárs will be secured in the possession of the subordinate rights which they have heretofore enjoyed.

4. The meaning of this is that, when a regular settlement of the province is made, wherever it is found that Zamíndárs or other persons have held an interest in the soil intermediate between the ryot and the Taluqdár, the amount or proportion payable by the intermediate holder to the Taluqdár, and the net jama finally payable by the Taluqdár to the Government, will be fixed and recorded after careful and detailed survey and inquiry into each case, and will remain unchanged during the currency of the settlement, the Taluqdár being, of course,

course, free to improve his income and the value of his property by the reclamation of waste lands (unless in cases where usage has given the liberty of reclamation to the Zamíndár), and by other measures of which he will receive the full benefit at the end of the settlement. Where leases (pattás) are given to the subordinate Zamíndárs, they will be given by the Taluqdár, not by the Government.

5. This being the position in which the Taluqdárs will be placed, they cannot, with any show of reason, complain if the Government takes effectual steps to re-establish and maintain in subordination to them the former rights, as those existed in 1855, of other persons whose connexion with the soil is in many cases more intimate and more ancient than theirs; and it is obvious that the only effectual protection which the Government can extend to these inferior holders, is to define and record their rights and to limit the demand of the Taluqdár as against such person during the currency of the settlement to the amount fixed by the Government as the basis of its own revenue demand.

6. What the duration of the settlement shall be, and what proportion of the rent shall be allowed in each case to Zamíndárs and Taluqdárs, are questions to be determined at the time of settlement.

The Governor General agrees in your observation that it is a bad principle to create two classes of recognized proprietors in one estate, and it is likely to lead to the alienation of a larger proportion of the land revenue than if there were only one such class. But whilst the taluqdárí tenure, notwithstanding this drawback, is about to be recognized and re-established, because it is consonant with the feelings and traditions of the whole people of Oudh, the zamíndárí tenure intermediate between the tenures of the Taluqdár and the ryot is not a new creation, and it is a tenure which, in the opinion of the Governor General, must be protected.

Second Schedule.

(*See section* 4.)

(1).—Dig-Bijay Singh, Rájá of Balrámpúr.

(2).—Rao Hardeo Bakhsh Singh, of Katíari.

(3).—Káshí Parshád, Taluqdár of Sisséndí.

(4) —Jhabba Singh, Zamíndár of Gopál Khéra.

(5).—Chandan Lál, Zamíndár of Moraon (Baiswára).

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ACT No. II OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th February 1869).

An Act for the appointment of Justices of the Peace.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the appointment of Justices of the Peace; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Justices of the Peace Act, 1869."

Repeal of enactments.

2. The enactments mentioned in the schedule hereto annexed are hereby repealed to the extent specified in the third column of the same schedule.

Appointment of Justices of the Peace for the Mofussil.

3. The Governor General of India in Council, so far as regards the whole or any part of British India (other than the towns of Calcutta, Madras and Bombay),

and every Local Government, so far as regards the territories subject to its Government or administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such and so many of the Covenanted Civil Servants of the Crown in India, or other British inhabitants, as the said Governor General in Council or the Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within and for the territories mentioned in such notification.

Appointment of Justices of the Peace for the presidency towns.

4. The Governor General of India in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may,

PRICE TWO ANNAS.

may, by notification in the official Gazette, appoint any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within the limits of the town mentioned in such notification.

Powers and duties of Justices of the Peace.

5. All persons appointed under section three or section four shall be Justices of the Peace and shall have authority to act as such, and shall have power to commit for trial European British subjects of Her Majesty to the Court prescribed in that behalf by the law in force for the time being, and shall do all other acts appertaining to the office of Justice of the Peace which under or by virtue of any law in force for the time being may be done by a Justice of the Peace within the said territories or towns, as the case may be.

Powers of Justices of the Peace in Native States.

6. All persons being servants of Government appointed by the Governor General in Council to act as Justices of the Peace for the whole of British India,

and all persons being servants of Government appointed by a Local Government to act as Justices of the Peace for the territories subject to such Government other than the towns aforesaid,

shall, so far as regards European British and Christian subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, have power to act as Justices of the Peace and to commit such subjects for trial according to law.

Repealed by Act X of 1873.

Declarations to be taken by Justices of the Peace.

7. Provided that no person other than a person now acting as a Justice of the Peace under a commission shall be capable of acting as a Justice of the Peace until he shall have made and subscribed, before some other Justice of the Peace or the chief civil officer of any station within the territories or place in and for which he shall have been appointed, declarations to the following effect :—

" I declare that I will be faithful and bear true allegiance to Her Majesty."

" I declare that I will truly and faithfully discharge the office of a Justice of the Peace."

8. The

Subscriptions to declarations to be kept.

8. The subscriptions of such persons to the said declarations shall be deposited with and kept by such officer as the Governor General in Council or the Local Government (as the case may be) shall from time to time appoint.

Power to suspend or dismiss.

9. The Governor General of India in Council in the case of any Justice of the Peace appointed by him, and the Local Government in the case of any Justice of the Peace appointed by it, may suspend or dismiss any person so appointed.

Present Justices of the Peace to be deemed to be appointed under this Act.

10. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns under any commission issued by any of the said High Courts, shall be deemed to have been appointed under section three by the said Governor General in Council to act as a Justice of the Peace for the whole of British India.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section four by the Local Government.

SCHEDULE.

ACT No. II of 1869.

SCHEDULE.

Rep. by Act XIV/91.

Number of Statute or Act.	Title of Statute or Act.	Extent of Repeal.
33 Geo. III, Cap. 52 ..	An Act for continuing in the East India Company for a further term, the Possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating, to certain uses, the Revenues and Profits of the said Company; and for making provision for the good Order and Government of the Towns of Calcutta, Madras and Bombay.	Sections 151 and 152.
47 Geo. III, Sess. 2, Cap. 68.	An Act for the better Government of the Settlements of Fort St. George and Bombay; for the Regulation of Public Banks; and for amending so much of an Act passed in the thirty-third year of his present Majesty as relates to the Periods at which the Civil Servants of the East India Company may be employed in their service abroad.	Sections 4, 5 and 6.
53 Geo. III, Cap. 155 ...	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company.	Section 112.
2 & 3 Wm. IV, Cap. 117	An Act to amend the Law relating to the Appointment of Justices of the Peace, and of Juries in the East Indies.	The whole.
Act No. XVI of 1841 ...	An Act concerning the taking of Oaths of Qualification by Justices of the Peace.	So much as has not been repealed.
Act No. VI of 1845 ...	An Act to amend the Law regarding the issue of Commissions of the Peace.	The whole.
Act No. XXVII of 1864	An Act to substitute certain declarations for the Oaths of Qualification taken by Justices of the Peace.	The whole.

Office Supdt Govt. Printing,—No. 10406.—16 2-69—2,900.

ACT No. III of 1869.

Repealed by Act XVI of 1887

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th February 1869).

An Act for the maintenance of the Rural Police in the North-Western Provinces.

Preamble.

WHEREAS it is expedient to make further provision for the maintenance of the Rural Police in the North-Western Provinces of the presidency of Fort William and to define the law relating to the appointment and duties of village watchmen in those provinces; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title.

1. This Act may be called "The Rural Police (North-Western Provinces) Act."

Repeal of Acts.

2. Act No. II of 1865 *(to provide for the maintenance of the Rural Police in the territories under the government of the Lieutenant Governor of the North-Western Provinces and elsewhere)* and Act No. II of 1866 *(to amend Act No. II of 1865)*, are hereby repealed.

Repd. by Act XIV/7

Extent of Act.

3. This Act extends to every District in which Act No. II of 1865 was in force immediately before the passing hereof.

II.—TAXES.

Taxes leviable under this Act.

4. Three kinds of taxes shall be leviable under this Act (that is to say), 1°, a House Tax; 2°, an Estate Tax; and 3°, a Tax on Muáfídárs, Sub-proprietors and Nazránádárs.

1.—*The*

PRICE THREE ANNAS.

1.°—*The House Tax.*

Power to assess house-tax.

5. The proprietor of every Muáfí, Nazráná or other estate situate in any District to which this Act applies shall have power to assess and collect in each year from the occupant of every house on such estate, a sum not exceeding one rupee.

The Collector of the District shall have power to determine what shall, for the purposes of this section, be held to be a house.

Time of paying house-tax.

6. All sums assessed under section five shall be payable in advance for the revenue year next after the assessment, at the time when the first instalment of rents is ordinarily payable in that year for lands comprised in or adjacent to such estate.

Recovery of house-tax.

7. All sums so assessed shall be recoverable as if they were rent of land:

Provided that no person shall be liable to be ejected from any house in his occupation for non-payment of any such sum.

Petition against assessment.

8. Any person assessed under section five, and unable to pay the amount of the assessment, may present a petition on unstamped paper to the Collector of the District, and such Collector may, if he thinks fit, remit wholly or in part the said assessment.

Complaints of illegal collection.

All complaints of illegal collection under section five shall be cognizable by the Collectors of Land Revenue; and the provisions contained in Act No. X of 1859 *(to amend the Law relating to the recovery of rent in the presidency of Bengal)*, section twenty-three, as to institution, trial and appeal, shall apply to complaints under this section.

2.°—*The Estate Tax.*

Power to Collector to assess estate of proprietor failing to make sufficient assessment

9. If, in any year, any such proprietor fails altogether to assess the sum mentioned in section five, or assesses under section five a sum which, in the opinion of the Collector of the District wherein the proprietor's estate is situate, is inadequate, it shall be lawful for such Collector to assess upon such estate a sum payable yearly by the proprietor thereof for the time being, and not exceeding in any year

year the amount which might have been assessed in the same year under the same section on the occupants of the houses in such estate, less ten per centum.

Power to assess estates.

10. It shall be lawful for the Collector, or for any officer making a settlement of land-revenue, to assess upon any Muáfí, Nazráná, or other estate situate in any District to which this Act applies, a sum to be paid yearly by the proprietor thereof for the time being not exceeding the aggregate amount of the sums payable in respect of such estate or by the occupants of the houses thereon under sections five and nine, less ten per centum.

Such assessment shall be in addition to the municipal cess or percentage (if any) levied for the maintenance of rural police on the land-revenue payable in respect of such estate.

Alteration of assessment.

11. The sum assessable under section ten may from time to time, with the sanction of the Local Government, be altered by the Collector or officer aforesaid.

3°.—*The Tax on Muáfidárs, Sub-proprietors, and Nazránádárs.*

Power to levy cess on Muáfidárs, Sub-proprietors and Nazránádárs.

12. Besides the assessments made under section ten, it shall be lawful for the Collector or for any such officer as aforesaid, to levy in the case of any Muáfí or Nazráná estate upon the Muáfidárs, or (where a sub-settlement has been made) on the Sub-proprietors, or on the Nazránádárs, a municipal cess on the estimated jama at the same rate as the estate would have been charged with, had it not been held under a Muáfí or Nazráná title.

Mode and time of paying assessments.

13. The Local Government may from time to time prescribe, by notification in the official Gazette, by what instalments and at what times the assessments payable under sections ten and twelve shall be paid, and all sums assessed under either of those sections shall be recoverable as if they were arrears of revenue.

III.—Application of Taxes.

Application of taxes levied under this Act.

14. Subject to the orders of the Local Government, all taxes levied under this Act in any District shall, in the first instance, be applied to the maintenance of the village police in such District, and for the purpose of this section, 'maintenance' shall be deemed

to

to include their wages, the price of all necessaries and accoutrements supplied to them, rewards and other incidental expenses.

The surplus (if any) may be applied by the Local Government, at its discretion, to the sanitary improvement of the District, or to any other useful purpose therein.

IV.—ACCOUNTS OF TAXES.

Accounts to be kept.

15. Accounts of the taxes levied under this Act and of the application thereof shall be kept by such persons and in such form, and shall be furnished at such times and to such officers as the Local Government shall, by rules to be published in the official Gazette, from time to time, prescribe.

Accounts to be open to public.

16. Such accounts shall be open to public inspection at all reasonable times without the payment of any fee.

Failure to keep or furnish accounts.

17. Any proprietor failing to comply with any rule made under section fifteen, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees, and every such fine shall when recovered be applied for the purposes of this Act in the District where it is imposed.

V.—VILLAGE WATCHMEN.

Nomination of village watchmen.

18. Every person authorized to nominate a person to the office of village watchman shall, within fifteen days after the occurrence of a vacancy in the office, nominate a proper person to the vacant post, and communicate the nomination to the Magistrate of the District.

Appointment or rejection of nominee.

The person so nominated shall, after due enquiry into his age, character and ability, be appointed or rejected by such Magistrate at his discretion, or by some officer authorized by him in that behalf.

Failure to appoint.

19. In default of such nomination within the said fifteen days, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

If the nomination has been made within the said fifteen days, but the nominee is rejected, the person authorized to nominate a person to the office of village

village watchman shall, within fifteen days from the date of such rejection, nominate another person to the vacant post; and in default of such nomination, or if such nomination has been made but the nominee is rejected, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

Duties of village watchmen.

20. Any village watchman appointed under this Act shall be liable to perform within the limits of his village, and in addition to his other duties, all or any of the duties imposed on Police Officers by Act No. V of 1861 *(for the regulation of Police)*; and for any neglect or disobedience in his official capacity, he shall be liable to the penalties which he would have incurred had he been a Police officer subject to the provisions of that Act and guilty of neglect or disobedience as the case might be.

VI.—Miscellaneous.

Power to make rules.

21. The Local Government may, from time to time, make rules, consistent with this Act, for the guidance of officers in all matters connected with its enforcement.

All such rules shall be published in the local official Gazette.

Power to extend Act.

22. The Lieutenant Governor of the North-Western Provinces and the Lieutenant Governor of the Panjáb may respectively, by notification in the local Gazette, extend this Act to any part of the territories for the time being under their respective governments; and the Governor General of India in Council may, by notification in the *Gazette of India*, extend this Act to any province for the time being under the immediate administration of the Government of India:

Provided that this Act shall have no operation in any village to which Act No. XX of 1856 *(to make better provision for the appointment and maintenance of Police Chaukidárs in cities, towns, stations, suburbs and bázárs in the Presidency of Fort William in Bengal)*, or Act No. VI of 1868 *(to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes)*, or any other special municipal law shall have been extended, so long as such Act or law continues in force in such village.

Repeal of inconsistent rules.

23. From the date of any such extension of this Act, so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with any provision of this Act, shall cease to have effect therein.

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THE INDIAN DIVORCE ACT, 1869.

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ACT No. IV of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th February 1869).

An Act to amend the law relating to Divorce and Matrimonial Causes in India.

Preamble.

WHEREAS it is expedient to amend the law relating to the divorce of persons professing the Christian religion, and to confer upon certain Courts jurisdiction in matters matrimonial; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

Commencement of Act.

1. This Act may be called "The Indian Divorce Act," and shall come into operation on the first day of April 1869.

Extent of Act.

2. This Act shall extend to the whole of British India, and (so far only as regards British subjects within the dominions hereinafter mentioned) to the dominions of Princes and States in India in alliance with Her Majesty.

Extent of power to grant relief generally.

Nothing hereinafter contained shall authorize any Court to grant any relief under this Act, except in cases where the petitioner professes the Christian religion and resides in India at the time of presenting the petition;

And to make decrees of dissolution.

or to make decrees of dissolution of marriage except in the following cases:—(*a*) where the marriage shall have been solemnized in India; or (*b*) where the adultery, rape or unnatural crime complained of shall have been committed in India; or (*c*) where the husband has, since the solemnization of the marriage, exchanged his profession of Christianity for the profession of some other form of religion;

Or of nullity.

or to make decrees of nullity of marriage except in cases where the marriage has been solemnized in India.

3. In this

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"High Court."

(1). "High Court" means in any Regulation Province the Court there established under the Act of the twenty-fourth and twenty-fifth of Victoria, Chapter one hundred and four,

in the territories for the time being subject to the government of the Lieutenant Governor of the Panjáb, the Chief Court of the Panjáb,

in British Burma, the High Court of Judicature at Fort William in Bengal,

and in any other Non-Regulation Province and in any place in the dominions of the Princes and States of India in alliance with Her Majesty, the High Court or Chief Court to whose original criminal jurisdiction the petitioner is for the time being subject, or would be subject if he or she were an European British subject of Her Majesty :

In the case of any petition under this Act, 'High Court' is that one of the aforesaid Courts within the local limits of whose ordinary appellate jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together :

"District Judge."

(2). "District Judge" means, in the Regulation Provinces, a Judge of a principal Civil Court of original jurisdiction,

in the Non-Regulation Provinces, other than British Burma and Sind, a Commissioner of a Division,

in Pegu, the Recorder at Rangoon,

in Arakan, the Recorder at Rangoon until a Recorder's Court is established at Akyab, and thenceforward the Recorder at Akyab,

in the Tenasserim Provinces, the Recorder at Maulmain,

in Sind, the Judicial Commissioner in that province,

and in any place in the dominions of the Princes and States aforesaid, such officer as the Governor General of India in Council shall from time to time appoint in this behalf by notification in the *Gazette of India*, and, in the absence of such officer, the High Court in the exercise of its original jurisdiction under this Act :

(3). "District Court"

"District Court."

(3). "District Court" means, in the case of any petition under this Act, the Court of the District Judge within the local limits of whose ordinary jurisdiction, or of whose jurisdiction under this Act, the husband and wife resi le or last resided together:

"Court."

(4). "Court" means the High Court or the District Court, as the case may be:

"Minor children."

(5). "Minor children" means, in the case of sons of Native fathers, boys who have not completed the age of sixteen years, and, in the case of daughters of Native fathers, girls who have not completed the age of thirteen years: In other cases it means unmarried children who have not completed the age of eighteen years:

"Incestuous adultery."

(6). "Incestuous adultery" means adultery committed by a husband with a woman with whom, if his wife were dead, he could not lawfully contract marriage by reason of her being within the prohibited degrees of consanguinity (whether natural or legal) or affinity:

"Bigamy with adultery."

(7). "Bigamy with adultery" means adultery with the same woman with whom the bigamy was committed:

"Marriage with another woman."

(8). "Marriage with another woman" means marriage of any person, being married, to any other person, during the life of the former wife, whether the second marriage shall have taken place within the dominions of Her Majesty or elsewhere:

"Desertion."

(9). "Desertion" implies an abandonment against the wish of the person charging it; and

"Property."

(10). "Property" includes in the case of a wife any property to which she is entitled for an estate in remainder or reversion or as a trustee, executrix or administratrix; and the date of the death of the testator or intestate shall be deemed to be the time at which any such wife becomes entitled as executrix or administratrix.

II.—Jurisdiction.

Matrimonial jurisdiction of High Courts to be exercised subject to this Act.

Exception.

4. The jurisdiction now exercised by the High Courts in respect of divorce *a mensâ et toro*, and in all other causes, suits and matters matrimonial, shall be exercised by such Courts and by the District Courts subject to the provisions in this Act contained, and not otherwise: except so far as relates to the granting of marriage-licenses, which may be granted as if this Act had not been passed.

5. Any

Enforcement of decrees or orders made heretofore by any Supreme or High Court.

5. Any decree or order of the late Supreme Court of Judicature at Calcutta, Madras or Bombay sitting on the ecclesiastical side, or of any of the said High Courts sitting in the exercise of their matrimonial jurisdiction, respectively, in any cause or matter matrimonial, may be enforced and dealt with by the said High Courts, respectively, as hereinafter mentioned, in like manner as if such decree or order had been originally made under this Act by the Court so enforcing or dealing with the same.

Pending suits.

6. All suits and proceedings in causes and matters matrimonial, which when this Act comes into operation are pending in any High Court, shall be dealt with and decided by such Court, so far as may be, as if they had been originally instituted therein under this Act.

Court to act on principles of English Divorce Court.

7. Subject to the provisions contained in this Act, the High Courts and District Courts shall, in all suits and proceedings hereunder, act and give relief on principles and rules which, in the opinion of the said Courts, are as nearly as may be conformable to the principles and rules on which the Court for Divorce and Matrimonial Causes in England for the time being acts and gives relief.

Extraordinary jurisdiction of High Court.

8. The High Court may, whenever it thinks fit, remove and try and determine as a Court of original jurisdiction any suit or proceeding instituted under this Act in the Court of any District Judge within the limits of its jurisdiction under this Act.

Power to transfer suits.

The High Court may also withdraw any such suit or proceeding, and transfer it for trial or disposal to the Court of any other such District Judge.

Reference to High Courts.

9. When any question of law or usage having the force of law arises at any point in the proceedings previous to the hearing of any suit under this Act by a District Court or at any subsequent stage of such suit, or in the execution of the decree therein or order thereon,

the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case and refer it, with the Court's own opinion thereon, to the decision of the High Court.

If the question has arisen previous to or in the hearing, the District Court may either stay such proceedings, or proceed in the case pending such reference, and pass a decree contingent upon the opinion of the High Court upon it.

If a decree or order has been made, its execution shall be stayed until the receipt of the order of the High Court upon such reference.

III.—Dissolution

III.—Dissolution of Marriage.

When husband may petition for dissolution.

10. Any husband may present a petition to the District Court or to the High Court, praying that his marriage may be dissolved on the ground that his wife has, since the solemnization thereof, been guilty of adultery.

When wife may petition for a dissolution.

Any wife may present a petition to the District Court or to the High Court, praying that her marriage may be dissolved on the ground that, since the solemnization thereof, her husband has exchanged his profession of Christianity for the profession of some other religion, and gone through a form of marriage with another woman ;

or has been guilty of incestuous adultery,

or of bigamy with adultery,

or of marriage with another woman with adultery,

or of rape, sodomy or bestiality,

or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensâ et toro*,

or of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

Contents of petition.

Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded.

Adulterer to be a co-respondent.

11. Upon any such petition presented by a husband, the petitioner shall make the alleged adulterer a co-respondent to the said petition, unless he is excused from so doing on one of the following grounds, to be allowed by the Court :—

(1).—That the respondent is leading the life of a prostitute, and that the petitioner knows of no person with whom the adultery has been committed.

(2).—That the name of the alleged adulterer is unknown to the petitioner, although he has made due efforts to discover it.

(3).—That the alleged adulterer is dead.

12. Upon

12. Upon any such petition for the dissolution of a marriage, the Court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery, or has condoned the same, and shall also inquire into any countercharge which may be made against the petitioner.

Court to be satisfied of absence of collusion.

13. In case the Court, on the evidence in relation to any such petition, is satisfied that the petitioner's case has not been proved, or is not satisfied that the alleged adultery has been committed,

Dismissal of petition.

or finds that the petitioner has, during the marriage, been accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

then and in any of the said cases the Court shall dismiss the petition.

When a petition is dismissed by a District Court under this section, the petitioner may, nevertheless, present a similar petition to the High Court.

14. In case the Court is satisfied on the evidence that the case of the petitioner has been proved,

Power to Court to pronounce decree for dissolving marriage.

and does not find that the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

the Court shall pronounce a decree declaring such marriage to be dissolved in the manner and subject to all the provisions and limitations in sections sixteen and seventeen made and declared:

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has, during the marriage, been guilty of adultery,

or if the

or if the petitioner has, in the opinion of the Court, been guilty of unreasonable delay in presenting or prosecuting such petition,

or of cruelty towards the other party to the marriage,

or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse,

or of such wilful neglect or misconduct of or towards the other party as has conduced to the adultery.

Condonation.

No adultery shall be deemed to have been condoned within the meaning of this Act unless where conjugal cohabitation has been resumed or continued.

Relief in case of opposition on certain grounds.

15. In any suit instituted for dissolution of marriage, if the respondent opposes the relief sought on the ground, in case of such a suit instituted by a husband, of his adultery, cruelty, or desertion without reasonable excuse, or, in case of such a suit instituted by a wife, on the ground of her adultery and cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief, and the respondent shall be competent to give evidence of or relating to such cruelty or desertion.

Decrees for dissolution to be *nisi*.

16. Every decree for a dissolution of marriage made by a High Court not being a confirmation of a decree of a District Court, shall, in the first instance, be a decree *nisi*, not to be made absolute till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court, by general or special order from time to time, directs.

Collusion.

During that period any person shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the Court.

On cause being so shown, the Court shall deal with the case by making the decree absolute, or by reversing the decree *nisi*, or by requiring further inquiry, or otherwise as justice may demand.

The High Court

The High Court may order the costs of Counsel and witnesses and otherwise arising from such cause being shown, to be paid by the parties or such one or more of them as it thinks fit, including a wife if she have separate property.

Whenever a decree *nisi* has been made, and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit.

Confirmation of decree for dissolution by District Judge.

17. Every decree for a dissolution of marriage made by a District Judge shall be subject to confirmation by the High Court.

Cases for confirmation of a decree for dissolution of marriage shall be heard (where the number of the Judges of the High Court is three or upwards) by a Court composed of three such Judges, and in case of difference the opinion of the majority shall prevail, or (where the number of the Judges of the High Court is two) by a Court composed of such two Judges, and in case of difference the opinion of the Senior Judge shall prevail.

The High Court, if it think further enquiry or additional evidence to be necessary, may direct such enquiry to be made, or such evidence to be taken.

The result of such enquiry and the additional evidence shall be certified to the High Court by the District Judge, and the High Court shall thereupon make an order confirming the decree for dissolution of marriage, or such other order as to the Court seems fit.

Provided that no decree shall be confirmed under this section till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court by general or special order from time to time directs.

During the progress of the suit in the Court of the District Judge, any person suspecting that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce, shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to apply to the High Court to remove the suit under section eight, and the High Court shall thereupon, if it think fit, remove such suit and try and determine the same as a Court of original jurisdiction, and the provisions contained in section sixteen shall apply to every suit so removed: or it may direct the District Judge to take

to take such steps in respect of the alleged collusion as may be necessary to enable him to make a decree in accordance with the justice of the case.

IV.—Nullity of Marriage.

Petition for decree of nullity.

18. Any husband or wife may present a petition to the District Court or to the High Court, praying that his or her marriage may be declared null and void.

Grounds of decree.

19. Such decree may be made on any of the following grounds:—

(1).—That the respondent was impotent at the time of the marriage and at the time of the institution of the suit;

(2).—That the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity;

(3).—That either party was a lunatic or idiot at the time of the marriage;

(4).—That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

Nothing in this section shall affect the jurisdiction of the High Court to make decrees of nullity of marriage on the ground that the consent of either party was obtained by force or fraud.

Confirmation of District Judge's decree.

20. Every decree of nullity of marriage made by a District Judge shall be subject to confirmation by the High Court, and the provisions of section seventeen, clauses one, two, three and four, shall *mutatis mutandis* apply to such decrees.

Children of annulled marriage.

21. Where a marriage is annulled on the ground that a former husband or wife was living, and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree, and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

V.—Judicial

V.—Judicial Separation.

No decree for divorce *a mensâ et toro* to be made.

Decree of judicial separation obtainable by husband or wife.

22. No decree shall hereafter be made for a divorce *a mensâ et toro*, but the husband or wife may obtain a decree of judicial separation, on the ground of adultery, or cruelty, or desertion without reasonable excuse for two years or upwards, and such decree shall have the effect of a divorce *a mensâ et toro* under the existing law, and such other legal effect as hereinafter mentioned.

Application for separation made by petition.

23. Application for judicial separation on any one of the grounds aforesaid, may be made by either husband or wife by petition to the District Court or the High Court; and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

Separated wife to be deemed a spinster with respect to after-acquired property.

24. In every case of a judicial separation under this Act, the wife shall, from the date of the sentence, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire, or which may come to or devolve upon her.

Such property may be disposed of by her in all respects as an unmarried woman, and on her decease the same shall, in case she dies intestate, go as the same would have gone if her husband had been then dead;

Provided that, if any such wife again cohabits with her husband, all such property as she may be entitled to when such cohabitation takes place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

Separated wife to be deemed a spinster for purposes of contract and suing.

25. In every case of a judicial separation under this Act, the wife shall, whilst so separated, be considered as an unmarried woman for the purposes of contract, and wrongs and injuries, and suing and being sued in any civil proceeding; and her husband shall not be liable in respect of any contract, act or costs entered into, done, omitted or incurred by her during the separation;

Provided

Provided that where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife, and the same is not duly paid by the husband, he shall be liable for necessaries supplied for her use.

Provided also that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

Reversal of Decree of Separation.

Decree of separation obtained during the absence of husband or wife may be reversed.

26. Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the Court by which the decree was pronounced, praying for a reversal of such decree, on the ground that it was obtained in his or her absence, and that there was reasonable excuse for the alleged desertion, where desertion was the ground of such decree.

The Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly; but such reversal shall not prejudice or affect the rights or remedies which any other person would have had, in case it had not been decreed, in respect of any debts, contracts, or acts of the wife incurred, entered into, or done between the times of the sentence of separation and of the reversal thereof.

VI.—Protection Orders.

Deserted wife may apply to the Court for protection.

27. Any wife to whom the fourth section of the Indian Succession Act, 1865, does not apply, may, when deserted by her husband, present a petition to the District Court or the High Court, at any time after such desertion, for an order to protect any property which she may have acquired or may acquire, and any property of which she may have become possessed or may become possessed after such desertion, against her husband or his creditors, or any person claiming under him.

Court may grant protection-order.

28. The Court, if satisfied of the fact of such desertion, and that the same was without reasonable excuse, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and other property from

from her husband and all creditors and persons claiming under him. Every such order shall state the time at which the desertion commenced, and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.

Discharge or variation of orders.

29. The husband or any creditor of, or person claiming under, him may apply to the Court by which such order was made for the discharge or variation thereof, and the Court, if the desertion has ceased, or if for any other reason it think fit so to do, may discharge or vary the order accordingly.

Liability of husband seizing his wife's property after notice of order.

30. If the husband or any creditor of, or person claiming under, the husband seizes or continues to hold any property of the wife after notice of any such order, he shall be liable, at the suit of the wife (which she is hereby empowered to bring), to return or deliver to her the specific property, and also to pay her a sum equal to double its value.

Wife's legal position during continuance of order.

31. So long as any such order of protection remains in force, the wife shall be and be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contracts and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation.

VII.—Restitution of Conjugal Rights.

Petition for restitution of conjugal rights.

32. When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, either wife or husband may apply, by petition to the District Court or the High Court, for restitution of conjugal rights, and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

Answer to petition.

33. Nothing shall be pleaded in answer to a petition for restitution of conjugal rights, which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

VIII.—Damages

VIII.—Damages and Costs.

34. Any husband may, either in a petition for dissolution of marriage or for judicial separation, or in a petition to the District Court or the High Court limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Husband may claim damages from adulterer.

Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service, or directs some other service to be substituted.

The damages to be recovered on any such petition shall be ascertained by the said Court, although the respondents or either of them may not appear.

After the decision has been given, the Court may direct in what manner such damages shall be paid or applied.

35. Whenever in any petition presented by a husband the alleged adulterer has been made a co-respondent, and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings :

Power to order adulterer to pay costs.

Provided that the co-respondent shall not be ordered to pay the petitioner's costs

(1) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute, or

(2) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

Whenever any application is made under section seventeen, the Court, if it thinks that the applicant had no grounds or no sufficient grounds for intervening, may order him to pay the whole or any part of the costs occasioned by the application.

Power to order litigious intervendr to pay costs.

IX.—Alimony.

36. In any suit under this Act, whether it be instituted by a husband or a wife, and whether or not she has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Alimony *pendente lite.*

Such

Such petition shall be served on the husband; and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just:

Provided that alimony pending the suit shall in no case exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of marriage or of nullity of marriage, until the decree is made absolute or is confirmed, as the case may be.

Power to order permanent alimony.

37. The High Court may, if it think fit, on any decree absolute declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife,

and the District Judge may, if he thinks fit, on the confirmation of any decree of his declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife,

order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, as, having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties, it thinks reasonable; and for that purpose may cause a proper instrument to be executed by all necessary parties.

Power to order monthly or weekly payments.

In every such case the Court may make an order on the husband for payment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable:

Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.

Court may direct payment of alimony to wife or to her trustee.

38. In all cases in which the Court makes any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court

Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.

X.—Settlements.

Power to order settlement of wife's property for benefit of husband and children

39. Whenever the Court pronounces a decree of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that the wife is entitled to any property, the Court may, if it think fit, order such settlement as it thinks reasonable to be made of such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Any instrument executed pursuant to any order of the Court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation, shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

Settlement of damages

The Court may direct that the whole or any part of the damages recovered under section thirty-four shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

Inquiry into existence of ante nuptial or post-nuptial settlements

40. The High Court, after a decree absolute for dissolution of marriage, or a decree of nullity of marriage,

and the District Court, after its decree for dissolution of marriage or of nullity of marriage has been confirmed,

may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children (if any) of the marriage, or of both children and parents, as to the Court seems fit:

Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

XI—Custody

XI.—Custody of Children.

Power to make orders as to custody of children in suit for separation.

41. In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the said Court.

Power to make such orders after decree.

42. The Court, after a decree of judicial separation, may upon application (by petition) for this purpose make, from time to time, all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

Power to make orders as to custody of children in suits for dissolution or nullity.

43. In any suit for obtaining a dissolution of marriage or a decree of nullity of marriage instituted in, or removed to, a High Court, the Court may from time to time, before making its decree absolute or its decree (as the case may be), make such interim orders, and may make such provision in the decree absolute or decree,

and in any such suit instituted in a District Court, the Court may from time to time, before its decree is confirmed, make such interim orders, and may make such provision on such confirmation,

as the High Court or District Court (as the case may be) deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the suit;

and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the Court.

Power to make such orders after decree or confirmation.

44. The High Court after a decree absolute for dissolution of marriage or a decree of nullity of marriage,

and the District Court after a decree for dissolution of marriage or of nullity of marriage has been confirmed,

may,

may, upon application by petition for the purpose, make from time to time all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree absolute or decree (as the case may be), or by such interim orders as aforesaid.

XII.—Procedure.

Code of Civil Procedure to apply.

45. Subject to the provisions herein contained, all proceedings under this Act between party and party shall be regulated by the Code of Civil Procedure.

Forms of petitions and statements.

46. The forms set forth in the schedule to this Act, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule.

Stamp on petition.

Petition to state absence of collusion.

47. Every petition under this Act for a decree of dissolution of marriage, or of nullity of marriage, or of judicial separation, ~~or of reversal of judicial separation, or for restitution~~ of conjugal rights, ~~or for damages, shall bear a stamp of five rupees~~, and shall, ~~in the first, second and third cases mentioned in this section~~, state that there is not any collusion or connivance between the petitioner and the other party to the marriage.

Statements to be verified.

The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may at the hearing be referred to as evidence.

Suits on behalf of lunatics.

48. When the husband or wife is a lunatic or idiot, any suit under this Act (other than a suit for restitution of conjugal rights) may be brought on his or her behalf by the committee or other person entitled to his or her custody.

Suits by minors.

49. Where the petitioner is a minor, he or she shall sue by his or her next friend to be approved by the Court; and no petition presented by a minor under this Act shall be filed until the next friend has undertaken in writing to be answerable for costs.

Such

Repealed by Act 7 of 1870

Such undertaking ~~shall bear a stamp of eight annas and~~ shall be filed in Court, and the next friend shall thereupon be liable in the same manner and to the same extent as if he were a plaintiff in an ordinary suit.

Service of petition.

50. Every petition under this Act shall be served on the party to be affected thereby, either within or without British India, in such manner as the High Court by general or special order from time to time directs:

Provided that the Court may dispense with such service altogether in case it seems necessary or expedient so to do.

Mode of taking evidence.

51. The witnesses in all proceedings before the Court, where their attendance can be had, shall be examined orally, and any party may offer himself or herself as a witness, and shall be examined, and may be cross-examined and re-examined, like any other witness:

Provided that the parties shall be at liberty to verify their respective cases in whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the Court, be subject to be cross-examined by or on behalf of the opposite party orally, and after such cross-examination may be re-examined orally as aforesaid by or on behalf of the party by whom such affidavit was filed.

Competence of husband and wife to give evidence as to cruelty or desertion.

52. On any petition presented by a wife, praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion without reasonable excuse, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

Power to close doors.

53. The whole or any part of any proceeding under this Act may be heard, if the Court thinks fit, with closed doors.

Power to adjourn.

54. The Court may from time to time adjourn the hearing of any petition under this Act, and may require further evidence thereon if it sees fit so to do.

55. All

55. All decrees and orders made by the Court in any suit or proceeding under this Act shall be enforced and may be appealed from, in the like manner as the decrees and orders of the Court made in the exercise of its original civil jurisdiction are enforced and may be appealed from, under the laws, rules and orders for the time being in force:

Enforcement of and appeals from orders and decrees.

Provided that there shall be no appeal from a decree of a District Judge for dissolution of marriage or of nullity of marriage: nor from the order of the High Court confirming or refusing to confirm such decree:

No appeal as to costs.

Provided also that there shall be no appeal on the subject of costs only.

56. Any person may appeal to Her Majesty in Council from any decree (other than a decree *nisi*) or order under this Act of a High Court made on appeal or otherwise,

Appeal to Queen in Council.

and from any decree (other than a decree *nisi*) or order made in the exercise of original jurisdiction by Judges of a High Court or of any Division Court from which an appeal shall not lie to the High Court,

when the High Court declares that the case is a fit one for appeal to Her Majesty in Council.

XIII.—Remarriage.

57. When six months after the date of an order of a High Court confirming the decree for a dissolution of marriage made by a District Judge have expired,

Liberty to parties to marry again.

or when six months after the date of any decree of a High Court dissolving a marriage have expired, and no appeal has been presented against such decree to the High Court in its appellate jurisdiction,

or when any such appeal has been dismissed,

or when in the result of any such appeal any marriage is declared to be dissolved,

but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death:

Provided

Provided that no appeal to Her Majesty in Council has been presented against any such order or decree.

When such appeal has been dismissed, or when in the result thereof the marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again as if the prior marriage had been dissolved by death.

* Repealed by act XII of 1878.

English clergyman not compelled to solemnize marriages of persons divorced for adultery.

58. No clergyman in Holy Orders of the ~~United~~ Church of England *and Ireland shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty or censure for solemnizing or refusing to solemnize the marriage of any such person.

* Repealed by Act XII of 1878.

English Minister refusing to perform ceremony to permit use of his church.

59. When any Minister of any Church or Chapel of the said United Church refuses to perform such marriage-service between any persons who but for such refusal would be entitled to have the same service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said Church, entitled to officiate within the diocese in which such Church or Chapel is situate, to perform such marriage-service in such Church or Chapel.

XIV.—Miscellaneous.

Decree for separation or protection-order to be valid as to persons dealing with wife before reversal.

60. Every decree for judicial separation or order to protect property, obtained by a wife under this Act shall, until reversed or discharged, be deemed valid, so far as necessary, for the protection of any person dealing with the wife.

No reversal, discharge or variation of such decree or order shall affect any rights or remedies which any person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of such decree or order, and of the reversal, discharge or variation thereof.

Indemnity of persons making payment to wife without notice of reversal of decree or protection-order.

All persons who in reliance on any such decree or order make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same shall, notwithstanding such decree or order may then have been reversed, discharged or varied, or the separation of the wife from her husband

may

may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if, at the time of such payment, transfer or other act, such decree or order were valid and still subsisting without variation, and the separation had not ceased or been discontinued,

unless, at the time of the payment, transfer or other act, such persons had notice of the reversal, discharge or variation of the decree or order or of the the cessation or discontinuance of the separation.

Bar of suit for criminal conversation.

61. After this Act comes into operation, no person competent to present a petition under sections two and ten shall maintain a suit for criminal conversation with his wife.

Power to make rules.

62. The High Court shall make such rules under this Act as it may from time to time consider expedient, and may from time to time alter and add to the same :

Provided that such rules, alterations and additions are consistent with the provisions of this Act and the Code of Civil Procedure.

All such rules, alterations and additions shall be published in the local official Gazette.

SCHEDULE OF FORMS.

No. 1.—PETITION *by husband for a dissolution of marriage with damages against co-respondent, by reason of adultery.*

(*See sections* 10 *and* 34).

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *A. B.* of

SHEWETH,

1. That your petitioner was on the day of , one thousand eight hundred and , lawfully married to *C. B.*, then *C. D.*, spinster at . (*a*)

2. That from his said marriage, your petitioner lived and cohabited with his said wife at and at , in , and lastly at , in , and that your petitioner

(*a*). If the marriage was solemnized out of India, the adultery must be shewn to have been committed in India.

petitioner and his said wife have had issue of their said marriage, *five* children, of whom *two* sons only survive, aged respectively *twelve* and *fourteen* years.

3. That during the *three* years immediately preceding the day of one thousand eight hundred and , *X. Y.* was constantly, with few exceptions, residing in the house of your petitioner at aforesaid, and that on divers occasions during the said period, the dates of which are unknown to your petitioner, the said *C. B.* in your petitioner's said house committed adultery with the said *X. Y.*

4. That no collusion or connivance exists between me and my said wife for the purpose of obtaining a dissolution of our said marriage or for any other purpose.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a dissolution of the said marriage, and that the said *X. Y.* do pay the sum of rupees 5,000 as damages by reason of his having committed adultery with your petitioner's said wife, such damages to be paid to your petitioner, or otherwise paid or applied as to this (Hon'ble) Court seems fit.

(Signed) *A. B.* (*a*)

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

No. 2.—Respondent's statement in answer to No. 1.

In the Court of the day of

Between *A. B.*, petitioner,
C. B., respondent, and
X. Y., co-respondent.

C. B., the respondent, by *D. E.* her attorney [*or* vakíl] in answer to the petition of *A. B.* says that she denies that she has on divers or any occasions committed adultery with *X. Y.*, as alleged in the third paragraph of the said petition.

Wherefore the respondent prays that this (Hon'ble) Court will reject the said petition.

(Signed) *C. B.*

No. 3.—Co-respondent's statement in answer to No. 1.

In the (High) Court of
The day of

Between *A. B.*, petitioner,
C. B., respondent, and
X. Y., co-respondent.

(*a*). The petition must be signed by the petitioner.

X. Y., the

X. Y., the co-respondent, in answer to the petition filed in this cause, saith that he denies that he committed adultery with the said *C. B.* as alleged in the said petition.

Wherefore the said *X. Y.* prays that this (Hon'ble) Court will reject the prayer of the said petitioner and order him to pay the costs of and incident to the said petition.

____ _____ (Signed) *X. Y.*

No. 4.—PETITION *for Decree of Nullity of Marriage.*
(*See section* 18).

In the (High) Court of
To the Hon'ble Mr. Justice [*or* To the Judge of]
The day of , 186 .
The petition of *A. B.* falsely called *A. D.*,

SHEWETH,

1. That on the day of , one thousand eight hundred and , your petitioner, then a spinster, eighteen years of age, was married in fact, though not in law, to *C. D.*, then a bachelor of about thirty years of age, at [*some place in India.*]

2. That from the said day of , one thousand eight hundred and , until the month of , one thousand eight hundred and , your petitioner lived and cohabited with the said *C. D.*, at divers places, and particularly at aforesaid.

3. That the said *C. D.* has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of your petitioner's said pretended marriage, the said *C. D.* was, by reason of his impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between her and the said *C. D.* with respect to the subject of this suit.

Your petitioner therefore prays that this (Hon'ble) Court will declare that the said marriage is null and void. (Signed) *A. B.*

Form of Verification: See No. 1.

No. 5.—PETITION *by wife for judicial separation on the ground of her husband's adultery.*
(*See section* 22).

In the (High) Court of
To the Hon'ble Mr. Justice [*or* To the Judge of]
The day of 186 ,
The petition of *C. B.*, of the wife of *A. B.*

SHEWETH,

1. That on the day of , one thousand eight hundred and *sixty* your petitioner, then *C. D.*, was lawfully married to *A. B.*, at the Church of , in the

2. That

2. That after her said marriage, your petitioner cohabited with the said *A. B.* at and at , and that your petitioner and her said husband have issue living of their said marriage, *three* children, to wit, &c., &c. (*a*).

3. That on divers occasions in or about the months of *August, September* and *October*, one thousand eight hundred and *sixty* , the said *A. B.*, at , aforesaid, committed adultery with *E. F.*, who was then living in the service of the said *A. B.* and your petitioner at their said residence aforesaid.

4. That on divers occasions in the months of *October, November* and *December*, one thousand eight hundred and *sixty* , the said *A. B.* at aforesaid, committed adultery with *G. H.*, who was then living in the service of the said *A. B.* and your petitioner at their said residence aforesaid.

5. That no collusion or connivance exists between your petitioner and the said *A. B.* with respect to the subject of the present suit.

Your petitioner therefore prays that this (Hon'ble) Court will decree a judicial separation to your petitioner from her said husband by reason of his aforesaid adultery.

(Signed) *C. B.* (*b*).

Form of Verification : See No. 1.

No. 6.—*Statement in answer to No.* 5.

In the (High) Court of

B. against *B.*

The day of

The respondent, *A. B.*, by *W. Y.*, his attorney [*or* vakíl] saith,—

1. That he denies that he committed adultery with *E. F.*, as in the third paragraph of the petition alleged.

2. That the petitioner condoned the said adultery with *E. F.*, if any.

3. That he denies that he committed adultery with *G. H.*, as in the fourth paragraph of the petition alleged.

4. That the petitioner condoned the said adultery with *G. H.*, if any.

Wherefore this respondent prays that this (Hon'ble) Court will reject the prayer of the said petition.

(Signed) *A. B.*

(*a*).—State the respective ages of the children.
(*b*).—The petition must be signed by the petitioner.

No. 7.—Statement in reply to No. 6.

In the (High) Court of

B. against *B.*

The day of

The petitioner, *C. B.*, by her attorney [*or* vakíl], says—

1. That she denies that she condoned the said adultery of the respondent with *E. F.* as in the second paragraph of the statement in answer alleged.

2. That even if she had condoned the said adultery, the same has been revived by the subsequent adultery of the respondent with *G. H.* as set forth in the fourth paragraph of the petition.

(Signed) *C. B.*

No. 8.—PETITION *for a judicial separation by reason of cruelty.*

[*See section* 22].

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 . .

The petition of *A. B.* (wife of *C. B.*) of

SHEWETH,

1. That on the day of , one thousand eight hundred and , your petitioner, then *A. D.*, spinster, was lawfully married to *C. B.*, at .

2. That from her said marriage, your petitioner lived and cohabited with her said husband at until the day of , one thousand eight hundred and , when your petitioner separated from her said husband as hereinafter more particularly mentioned, and that your petitioner and her said husband have had no issue of their said marriage.

3. That from and shortly after your petitioner's said marriage, the said *C. B.* habitually conducted himself towards your petitioner with great harshness and cruelty, frequently abusing her in the coarsest and most insulting language, and beating her with his fists, with a cane, or with some other weapon.

4. That on an evening in or about the month of one thousand eight hundred and , the said *C. B.* in the highway and opposite to the house in which your petitioner and the said *C. B.* were then residing at aforesaid, endeavoured to knock your petitioner down, and was only prevented from so doing by the interference of *F. D.*, your petitioner's brother.

5. That subsequently on the same evening, the said *C. B.* in his said house at aforesaid, struck your petitioner with his clenched fist a violent blow on her face.

6. That

6. That on one Friday night in the month of one thousand eight hundred and , the said *C. B.*, in , without provocation, threw a knife at your petitioner, thereby inflicting a severe wound on her right hand.

7. That on the afternoon of the day of , one thousand eight hundred and , your petitioner, by reason of the great and continued cruelty practised towards her by her said husband, with assistance withdrew from the house of her said husband to the house of her father at : that from and after the said day of , one thousand eight hundred and , your petitioner hath lived separate and apart from her said husband, and hath never returned to his house or to cohabitation with him.

8. That there is no collusion or connivance between your petitioner and her said husband with respect to the subject of the present suit.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a judicial separation between your petitioner and the said *C. B.*, and also order that the said *C. B.* do pay the costs of and incident to these proceedings.

(Signed) *A. B.*

Form of Verification : See No. 1.

No. 9.—*Statement in answer to No.* 8.

In the (High) Court of

The day of

Between *A. B.*, petitioner, and

C. B., respondent.

C. B., the respondent, in answer to the petition filed in this cause by *W. J.* his attorney [*or* vakil] saith that he denies that he has been guilty of cruelty towards the said *A. B.*, as alleged in the said petition.

(Signed) *C. B.*

No. 10.—PETITION *for reversal of decree of separation.*

(*See section* 24).

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *A. B.*, of

SHEWETH,

1. That your petitioner was on the day of lawfully married to .

2. That on the day of , this (Hon'ble) Court at the petition of , pronounced a decree affecting the petitioner to the effect following, to wit,—

[*Here set out the decree*].

3. That such decree was obtained in the absence of your petitioner, who was then residing at

[*State*

[*State facts tending to show that the petitioner did not know of the proceedings; and, further, that had he known he might have offered a sufficient defence*].

or

That there was reasonable ground for your petitioner leaving his said wife, for that his said wife

[*Here state any legal grounds justifying the petitioner's separation from his wife*].

Your petitioner, therefore, prays that this (Hon'ble) Court will reverse the said decree.

(Signed) *A. B.*

Form of Verification : *See No.* 1.

No. 11.—PETITION *for Protection-order.*

(See section 27*).*

In the (High) Court of
To the Hon'ble Mr. Justice [*or* To the Judge of]
The day of 186 .

The petition of *C. B.*, of ,
the wife of *A. B.*

SHEWETH,

That on the day of she was lawfully married to *A. B.*, at

That she lived and cohabited with the said *A. B.* for years at , and also at , and hath had children, issue of her said marriage, of whom are now living with the applicant, and wholly dependent upon her earnings.

That on or about , the said *A. B.*, without any reasonable cause, deserted the applicant, and hath ever since remained separate and apart from her.

That since the desertion of her said husband, the applicant hath maintained herself by her own industry [*or* on her own property, *as the case may be*], and hath thereby and otherwise acquired certain property consisting of [*here state generally the nature of the property*].

Wherefore she prays an order for the protection of her earnings and property acquired since the said day of , from the said *A. B.*, and from all creditors and persons claiming under him.

(Signed) *C. B.*

No. 12.—PETITION

No. 12.—PETITION *for alimony pending the suit.*
(See section 36*).*

In the (High) Court of

B. against *B.*

To the Hon'ble Mr. Justice [*or* To the Judge of]
The day of 186 .

The petition of *C. B.*, the lawful wife of *A. B.*

SHEWETH,

1. That the said *A. B.* has for some years carried on the business of , at , and from such business derives the nett annual income of from Rs. 4,000 to 5,000.

2. That the said *A. B.* is possessed of plate, furniture, linen and other effects at his said house, aforesaid, all of which he acquired in right of your petitioner as his wife, or purchased with money he acquired through her, of the value of Rs. 10,000.

3. That the said *A. B.* is entitled, under the will of his father, subject to the life interest of his mother therein, to property of the value of Rs. 5,000 or some other considerable amount (*a*).

Your petitioner, therefore, prays that this (Hon'ble) Court will decree such sum or sums of money by way of alimony, pending the suit, as to this (Hon'ble) Court may seem meet.

(Signed) *C. B.*

Form of Verification : See No. 1.

No. 13.—*Statement in answer to No.* 12.

In the (High) Court of

B. against *B.*

A. B. of , the above-named respondent, in answer to the petition for alimony, pending the suit, of *C. B.*, says—

1. In answer to the first paragraph of the said petition, I say that I have for the last *three* years carried on the business of , at , and that, from such business, I have derived a nett annual income of Rs. 900, but less than Rs. 1,000.

2. In answer to the second paragraph of the said petition, I say that I am possessed of plate, furniture, linen and other chattels and effects at my said house aforesaid, of the value of Rs. 7,000, but as I verily believe of no larger value. And I say that

(*a*) The petitioner should state her husband's income as accurately as possible.

a portion

a portion of the said plate, furniture, and other chattels and effects of the value of Rs. 1,500, belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own monies. And I say that, save as hereinbefore set forth, I am not possessed of the plate and other effects as alleged in the said paragraph in the said petition, and that I did not acquire the same as in the said petition also mentioned.

3. I admit that I am entitled under the will of my father, subject to the life-interest of my mother therein, to property of the value of Rs. 5,000, that is to say, I shall be entitled under my said father's will, upon the death of my mother, to a legacy of Rs. 7,000, out of which I shall have to pay to my father's executors the sum of Rs. 2,000 the amount of a debt owing by me to his estate, and upon which debt I am now paying interest at the rate of five per cent. per annum.

4. And, in further answer to the said petition, I say that I have no income whatever except that derived from my aforesaid business, that such income, since my said wife left me, which she did on the day of last, has been considerably diminished, and that such diminution is likely to continue. And I say that out of my said income, I have to pay the annual sum of Rs. 100 for such interest as aforesaid to my late father's executors, and also to support myself and my two eldest children.

5. And, in further answer to the said petition, I say that, when my wife left my dwelling-house on the day of last, she took with her, and has ever since withheld and still withholds from me, plate, watches and other effects in the second paragraph of this my answer mentioned, of the value of, as I verily believe, Rs. 800 at the least; and I also say that, within five days of her departure from my house as aforesaid, my said wife received bills due to me from certain lodgers of mine, amounting in the aggregate to Rs. , and that she has ever since withheld and still withholds from me the same sum.

(Signed) *A. B.*

No. 14.—UNDERTAKING *by minor's next friend to be answerable for respondent's costs.* (*See section* 49).

In the (High) Court of

I, the undersigned *A. B.*, of being the next friend of *C. D.* who is a minor, and who is desirous of filing a petition in this Court, under the Indian Divorce Act, against *D. D.* of , hereby undertake to be responsible for the costs of the said *D. D.* in such suit, and that, if the said *C. D.* fail to pay to the said *D. D.* when and in such manner as the Court shall order all such costs of such suit as the Court shall direct him [*or* her] to pay to the said *D. D.*, I will forthwith pay the same to the proper officer of this Court.

Dated this day of 186 .

(Signed) *A. B.*

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(Nothing hereinafter contained shall be deemed to have the force of law).

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THE INDIAN ARTICLES OF WAR.

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BENGAL SECRETARIAT LIBRARY

ACT No. V of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th February 1869).

An Act to consolidate and amend the Articles of War for the government of Her Majesty's Native Indian Forces.

Preamble.

WHEREAS it is expedient to consolidate and amend the Articles of War for the government of the Native Officers, Soldiers and other persons in Her Majesty's Indian Army; It is hereby enacted as follows:—

PART I.—PRELIMINARY.

(a).—Short Title.

This Act may be called "The Indian Articles of War."

(b).—Commencement of Act.

This Act shall come into operation on the first day of June 1869.

(c).—Repeal of Enactments.

From such day the first section of Act No. XXV of 1857 (*to render Officers and Soldiers in the Native Army liable to forfeiture of property for Mutiny, and to provide for the adjudication and recovery of forfeitures of property in certain cases*), Act No. XXIX of 1861 (*to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army*), Act No. V of 1863 (*to amend Act XXIX of* 1861), and Act No. XXVI of 1865 (*to amend Act XXIX of* 1861) shall be repealed:

Provided that all crimes and offences committed against any Articles of War repealed by this Act may be enquired into and punished in like manner as if they had been committed against the Articles of War contained in this Act, and that any warrant for holding Courts Martial, issued under any Act hereby repealed, shall remain in full force, notwithstanding such repeal:

Repd by Act XIV of 1870

Provided

Rep. by Act XIV/98.

Provided also, that no proceedings in any trial begun under any Articles so repealed, shall be discontinued owing to such repeal, but every such trial shall proceed and be completed in the same manner as if this Act had not been passed.

References to any Act hereby repealed, or any Act passed subsequently thereto, shall be read as if made to this Act.

(*d*).—*Application of Articles.*

The Articles contained in Part II of this Act shall apply to all

Commissioned Officers,
Sub-Assistant Surgeons,
Hospital Assistants,
Native Doctors,
Warrant Officers,
Non-Commissioned Officers,
Hospital Attendants of any class,
Trumpeters, Buglers, Drummers,
Musicians,
Soldiers,
Unattested Recruits,
Lascars, Mahouts, Drivers,
Farriers, Syces, Grass-cutters,
Artificers, Labourers,
Sutlers, Followers, whether public or private, and all other persons attached to or serving with any portion of the said Army:

Proviso.

Provided that nothing in the said Part (other than Article 123) shall render any British-born subject of Her Majesty, or any legitimate Christian lineal descendant of such subject, whether in the paternal or maternal line, triable or punishable under the said Part, but all such persons belonging to Her Majesty's Indian Army shall be triable and punishable as if they belonged to Her Majesty's British Forces.

And that nothing in the said Part shall render any American or any Christian European not being British-born, or any Christian legitimate lineal descendant of such American or European, whether in the paternal or maternal line, triable

triable by a Court Martial composed of Native Commissioned Officers; but all such persons belonging to Her Majesty's Indian Army shall be triable by Courts Martial composed of European Officers only. Save as aforesaid, such persons shall be subject to this Act as if they were Natives of British India.

(*e*).—*Interpretation-clause.*

In this Act, unless there be something repugnant in the subject or context—

"Army" means Her Majesty's Indian Army, and "service" means service in such Army:

"Commissioned Officer" includes all Officers holding Commissions in the Native ranks of the Army, whether they be of purely Native or of a mixed European and Native extraction:

"European Officers" includes all European Officers holding Commissions in such Army or in Her Majesty's British Army:

"Commanding Officer" or "Officer Commanding" means the European Officer in actual command for the time being of any Force, Division, District, Regiment, Corps, Detachment, or Depôt, as the case may be:

"Judge Advocate" includes any European Officer duly authorized to officiate as Judge Advocate:

"Court Martial" means a Court Martial held under this Act, and in Articles 67, 68, 69 and 123 shall include a Court Martial held under the Act for punishing mutiny and desertion, and for the better payment of the Army and their quarters for the time being in force:

"Soldier" and "Soldiers" include Non-Commissioned Officers and all armed persons doing duty in the ranks of the Army:

"Attested" means attested under the Articles contained in Part II of this Act:

"Deserter" means a person subject to such Articles, who has deserted from the Army:

"Government" means, in the case of the Madras Army, the Governor of Fort Saint George in Council, in the case of the Bombay Army, the Governor of

of Bombay in Council, and in the case of any other part of Her Majesty's Indian Army, the Governor General of India in Council;

And the expressions "assault," "criminal force," "dishonestly," "extortion," "fraudulently," "grievous hurt," "hurt," "theft," "voluntarily causes hurt," "voluntarily causes grievous hurt," "reason to believe," "wrongful gain" and "wrongful loss" shall be severally taken to have the meanings assigned to them respectively in the Indian Penal Code, and quoted in Part I of the appendix to this Act.

(*f*).—*Saving of certain Regulations.*

Nothing in this Act affects any regulations by which the respective offices and powers of Cantonment Magistrates, Commissariat Officers, Officers in charge of the Police in Cantonments, and Superintendents of Military Bázárs are defined and controlled, or by which Panchâyats are constituted and guided

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PART II.—THE ARTICLES OF WAR.

TITLE I.—ENLISTMENT, DISMISSAL AND DISCHARGE.

CHAPTER I.—*Enlistment.*

Articles to be read to Recruits.

Article 1.—Every person prior to being enrolled in any Regiment or Corps shall have the 7th, 8th, 9th, 10th, 11th, 24th, 38th and 53rd of these Articles read and explained to him.

Affirmation.

When reported fit for duty, such declaration or charge as may be usual shall be made to him, by the Officer Commanding, in front of the Regiment or Corps, or of such portion thereof as shall be present; and the person shall then make the following affirmation:—

"I , inhabitant of , son of , solemnly "affirm in the presence of Almighty God that I will be faithful to Her "Majesty the Queen, Her heirs and successors, and will go wherever I am "ordered, by land or sea, and will obey all commands of the Officers set over "me, even to the peril of my life.

Attestation

Attestation.

Article 2.—All persons of the following classes, hereafter enlisted or enrolled under these Articles, shall be attested according to the regulations of the government to which they are respectively subject:—Sub-Assistant Surgeons, Hospital Assistants, Native Doctors, Warrant Officers of any Department, Trumpeters, Buglers, Drummers, Musicians, Soldiers, Lascars, Mahouts, Drivers, Farriers, Syces and Grass-cutters.

Articles 3, 4, 5, 7 to 71 (both inclusive), 90 to 94 (both inclusive), 130 to 139 (both inclusive), 154, 167 and 176 shall be read to every person enlisted or enrolled under these Articles at the time of his attestation.

CHAPTER II.—*Dismissal and Discharge.*

Dismissal of Commissioned Officers.

Article 3.—A Commissioned Officer shall be liable to dismissal from the service by the sentence of a General Court Martial, or by order of the Governor General of India in Council, or of the Commander-in-Chief of the Presidency to which he belongs, or, if the Officer belongs to either of the Presidencies of Fort St. George or Bombay, of the Governor in Council of such Presidency.

Every Commissioned Officer dismissed under these Articles shall forfeit all claim to pension.

Dismissal of other Persons.

Article 4.—Any person subject to these Articles, other than a Commissioned Officer, shall be liable to dismissal from the service

by the sentence of any Court Martial empowered to try him,

or by order of the Governor General of India in Council, or of the Commander-in-Chief of the Presidency to which he belongs,

or, if he belongs to either of the Presidencies of Fort St. George and Bombay, by order of the Governor in Council,

or, if he belongs to a Force not attached to any such Presidency, by order of the Officer Commanding such Force.

Every such person so dismissed shall forfeit all claim to pension.

Attested

Attested person dismissed and re-enlisting.

Article 5.—Every attested person of or below the rank of Non-Commissioned Officer who has been dismissed or discharged from the service, and who subsequently re-enters the service without at the time stating the fact of his dismissal or discharge, or showing his certificate of dismissal or discharge, may be dismissed the service by the Officer Commanding the regiment or corps with which he is serving.

Certificate to person dismissed.

Article 6.—Every attested person who is dismissed or discharged from the service, shall be furnished by his Commanding Officer with a certificate, in the English language and in the mother-tongue of such person (when his mother-tongue is not English), setting forth

(*a*) the authority dismissing or discharging him,

(*b*) the cause of his dismissal or discharge, and

(*c*) the full period of his service in the Army.

TITLE II.—MILITARY OFFENCES.

CHAPTER I.—*Crimes punishable with Death or Transportation.*

Mutiny and Sedition.

Article 7.—Any person subject to these Articles—

Who begins, excites, causes or joins in any mutiny or sedition in any regiment, corps, detachment, or guard;

or who, being present at any mutiny or sedition, does not use his utmost endeavours to suppress the same,

or who, knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, or of any conspiracy against the State,

does not, without delay, give information thereof to his Commanding or other superior Officer;—or

Violence to superior.

Article 8.—Who uses or attempts to use criminal force to, or commits an assault on, his superior Officer, whether on or off duty, under any circumstances in which the superior Officer is distinguishable as such in any manner;—or

Disobedience.

Disobedience.

Article 9.—Who disobeys the lawful command of his superior Officer;—or

Desertion.

Article 10.—Who deserts the service;—or

Re-enlistment without having been discharged.

Article 11.—Who, without having first obtained a regular discharge from the regiment or corps to which he belongs, enlists, or enrols himself in any other regiment or corps;—or

Sentry sleeping on or quitting post in time of war.

Article 12.—Who, being a sentry in time of war or alarm, or over any State-prisoner, treasure, magazine, or dockyard, sleeps upon his post, or quits it without being regularly relieved, or without leave;—or

Sentry plundering.

Article 13.—Who, being a sentry, or on guard, plunders or wilfully destroys or injures any property placed under his charge, or under charge of his guard;—or

Abandoning garrison.

Article 14.—Who shamefully abandons or delivers up any garrison, fortress, post or guard committed to his charge, or which it is his duty to defend;—or

Betraying watch-word.

Article 15.—Who treacherously makes known the watch-word to any person not entitled to receive it according to the rules and discipline of war;—or

Corresponding with enemy.

Article 16.—Who directly or indirectly holds correspondence with, or communicates intelligence to the enemy, or any person in arms against the State, or who, coming to the knowledge of any such correspondence or communication, omits to discover it immediately to his commanding or other superior Officer;—or

Assisting enemy.

Article 17.—Who directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects any enemy, or person in arms against the State;—or

Releasing

Releasing prisoners.

Article 18.—Who, without proper authority, releases any State-prisoner, enemy, or person taken in arms against the State, placed under his charge, or who negligently suffers any such prisoner, enemy or person to escape;—or

Misbehaviour in presence of enemy.

Article 19.—Who, in presence of an enemy, or of any persons in arms against whom it is his duty to act, shamefully casts away his arms or ammunition, or intentionally uses words or any other means to induce any Officer or Soldier to abstain from acting against the enemy or to discourage such Officer or Soldier from acting against the enemy, or who otherwise misbehaves;—or

Seeking plunder during action.

Article 20.—Who, in time of action, without authority, leaves his Commanding Officer, or his post, or colours, or party to go in search of plunder;—or

Quitting guard in time of war.

Article 21.—Who, in time of war, quits his guard, picquet, party or patrol, without being regularly relieved or without leave;—or

Assaulting persons bringing provisions.

Article 22.—Who, in time of war, or during any military operation, uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to the camp or quarters of any of Her Majesty's forces,

or forces a safeguard, or, without authority, breaks into any house or other place for plunder; or plunders, injures or destroys any field, garden or other property of any kind;—or

Causing false alarm in time of war.

Article 23.—Who in time of war, or during any military operation, intentionally occasions a false alarm in action, camp, garrison or quarters, or spreads reports by words or by letters calculated to create alarm or despondency,

Punishment for the foregoing offences.

Article 24.—Shall, on conviction, suffer death, or transportation for life or for a term of not less than seven years,

or

or imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to fourteen years,

or such other punishment as a General Court Martial is, by these Articles, empowered to award.

Whenever any person is convicted under this section of an offence punishable with death, all his property, moveable and immoveable, shall be forfeited to Government.

CHAPTER II.—*Crimes punishable otherwise than by Death or Transportation.*

Unbecoming behaviour.

Article 25.—Any Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer,

who behaves in a manner unbecoming his position and character;—and

Intoxication on duty.

Article 26.—Any person subject to these Articles,

who is in a state of intoxication when on or for any duty, or on parade, or on the line of march;—or

Striking sentry.

Article 27.—Who strikes, or forces or attempts to force any sentry;—or

Harbouring deserter.

Article 28.—Who knowingly harbours any deserter; or who, knowing, or having reason to believe, that any other person has deserted, or that any deserter has been harboured by any other person, does not immediately give notice to his own or some other superior Officer, or use his utmost endeavours to cause such deserter to be apprehended;—or

Enlisting deserter.

Article 29.—Who knowing, or having reason to believe, that a person is a deserter enlists him;—or

Absence without leave.

Article 30.—Who absents himself without leave, or, without sufficient cause, overstays leave granted to him;—or

Failure

Failure to rejoin.

Article 31.—Who, being on leave of absence and having received information from proper authority that his regiment or corps has been ordered on service, fails, without sufficient cause, to rejoin without delay;—or

Failure to attend parade.

Article 32.—Who, without sufficient cause, fails to appear at the time fixed at the parade or place appointed for exercise or duty;—or

Quitting parade or division.

Article 33.—Who, when on parade, or on the line of march, without sufficient cause, or without leave from his superior Officer, quits the parade or line of march;—or

Quitting guard in time of peace.

Article 34.—Who, in time of peace, quits his guard, picquet, or patrol, without being regularly relieved, or without leave;—or

Refusing to receive or releasing prisoners.

Article 35.—Who, being in command of a guard, picquet, or patrol, refuses to receive any prisoner duly committed to his charge, or without proper authority releases any prisoner, or negligently suffers any prisoner to escape;—or

Leaving arrest.

Article 36.—Who, being under arrest, or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority;—or

Insubordination.

Article 37.—Who is grossly insubordinate or insolent to his superior Officer in the execution of his office;—or

Refusal to superintend military work.

Article 38.—Who refuses to superintend or assist in the making of any field-work, or other military work of any description, ordered to be made either in quarters or in the field;—or

Impeding

Impeding Provost Marshal.

Article 39.—Who impedes a Provost Marshal or an Assistant Provost Marshal, or any person lawfully exercising authority, or refuses when called upon to assist such person when requiring aid in the execution of his duty;—or

Striking subordinates.

Article 40.—Who strikes or otherwise ill-treats any soldier or other person attested under these Articles being his subordinate in rank or position;—or

Extortion.

Article 41.—Who commits extortion; or, without proper authority, exacts from any person carriage, porterage, or provisions;—or

House-breaking or plundering in time of peace.

Article 42.—Who, in time of peace, commits house-breaking for the purpose of plundering; or plunders, destroys, or damages any field, garden, or other property;—or

Neglecting to compensate person injured by subordinate.

Article 43.—Who, being in command at any post, or on the march, and receiving a complaint that any one under his command has beaten, or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person, or to report the case to the proper authority;—or

Defiling places of worship.

Article 44.—Who, by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person;—or

Taking bribes.

Article 45.—Who, directly or indirectly, requires, accepts, or obtains, or agrees to accept, or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enlistment or enrolment of any person, or leave of absence, promotion, or any other advantage or indulgence for any person in the service;—or

Causing false alarm in time of peace.

Article 46.—Who, in time of peace, by any means whatever, intentionally occasions a false alarm in camp, garrison, or cantonment;—or

Making

Making away with regimental necessaries.

Article 47.—Who designedly or through neglect kills, injures or loses his horse, or who dishonestly or fraudulently removes, conceals or delivers to any person, or who designedly or through neglect injures or loses his arms, clothes, tools, musical or surgical instruments, equipments, ammunition, accoutrements, or regimental necessaries, or any such articles entrusted to him, or belonging to any other person,

or who sells, pawns, destroys or defaces any medal or decoration granted to him by order of Her Majesty, or of the East India Company, or of the Governor General of India in Council for service in the field, or for general good conduct;—or

Attempting suicide.

Article 48.—Who attempts to commit suicide, and does any act towards the commission of such offence;—and

Appearing armed in camp.

Article 49.—Any person subject to these Articles below the rank of Warrant Officer—

Who, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to, or returning from, any town or bázár, carrying a sword, bludgeon, or other offensive weapon;—or

Sentry sleeping on post in time of peace.

Article 50.—Who, being a sentry, in time of peace, sleeps upon his post, or leaves it before being regularly relieved, or without leave;—or

Absence from camp.

Article 51.—Who, without proper authority, is found two miles or upwards from camp;—or

Absence from cantonment after tattoo.

Article 52.—Who, without proper authority, is absent from his cantonment or lines after tattoo, or from camp after retreat-beating;

Punishment

Punishment for offences mentioned in Articles 25—52.

Article 53.—Shall, on conviction by any Court Martial competent to try him, be sentenced to such punishment, other than death or transportation, as such Court is, by these Articles, empowered to award.

CHAPTER III.—*Crimes to be punished with dismissal from the service.*

Embezzlement.

Article 54.—Any person subject to these Articles—

Who dishonestly misappropriates or converts to his own use any money, provisions, forage, arms, clothing, ammunition, tools, instruments, equipments or military stores of any kind, the property of Government, entrusted to his charge on the public account, or for any military purpose,

or who dishonestly uses or disposes of such property in violation of any direction of a proper authority,

or who dishonestly receives or retains any such property, knowing or having reason to believe the same to have been dishonestly misappropriated or converted ;—or

Destruction of Government property.

Article 55.—Who wilfully destroys or injures any property of Government entrusted to him on the public account, or for any military purpose ;—or

Giving false evidence.

Article 56.—Who, having been duly sworn or affirmed before any Court Martial, or other Military Court competent to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false, or does not believe to be true ;—

Punishment for offences mentioned in Articles 54, 55, 56.

Article 57.—Shall, if convicted by a General Court Martial, be sentenced to be dismissed the service and to forfeit any arrears of pay and allowances due to him at the time of dismissal; and shall be punishable also with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to three years: and shall, if convicted by a District or Garrison Court Martial, be liable to any or all of the penalties which such Court may inflict for disgraceful conduct.

CHAPTER IV.

Chapter IV.—*Disgraceful Conduct.*

Malingering.

Article 58.—Any person subject to these Articles—

Who malingers, or feigns, or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity;—or

Wilfully causing hurt.

Article 59.—Who, with intent to render himself or any other person unfit for service, voluntarily causes hurt or voluntarily causes grievous hurt to himself or any other person;—or

Theft.

Article 60.—Who commits theft in respect of any property of Government, or of any Officer or Soldier, or of any other person in the service, or of any military mess or band, or of any person serving with or attached to the Army, or who dishonestly receives or retains any such property, knowing or having reason to believe it to be stolen;—or

Embezzlement of Government property not entrusted on public account.

Article 61.—Who dishonestly misappropriates or converts to his own use any property of Government entrusted to him for any purpose not provided for in Articles 54 and 55,

or who dishonestly receives or retains any such property knowing or having reason to believe it to have been dishonestly misappropriated or converted;—or

Obtaining pension by false statement.

Article 62.—Who obtains or attempts to obtain for himself, or for any other person, any pension, allowance, or other advantage or privilege by a statement which is false, and which he knows or has reason to believe to be false, or does not know to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement;—or

Furnishing false returns.

Article 63.—Who knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging

belonging to such men, or to Government, or to any person in or attached to the Army, or who, through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid;—or

Other fraudulent offences.

Article 64.—Who does any other thing with intent to defraud, or to cause wrongful gain to one person, or wrongful loss to another person;—or

Cruelty or Indecency.

Article 65.—Who commits any other offence of a cruel, indecent, or unnatural kind, or attempts to commit any such offence and does any act towards its commission—

Penalties for offences specified in Articles 58–65.

Article 66.—May be tried for disgraceful conduct, and shall, on conviction by a General, District or Garrison Court Martial, be liable to any or all of the penalties awardable by such Court for disgraceful conduct.

CHAPTER V.—*Offences against Courts Martial.*

Refusal to attend or be sworn.

Article 67.—Any person subject to these Articles who, when duly summoned to attend as a witness before a Court Martial, intentionally omits to attend, or refuses to be sworn or make affirmation, or to answer any question, or to produce or deliver up any book or document which he may have been duly warned and called upon to produce or deliver up, or prevaricates,;—or

Contempts.

Article 68.—Who intentionally offers any insult or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign or gesture, or is insubordinate or violent in the presence of a Court Martial while sitting;—

Punishment for offences specified in Articles 67 *and* 68.

Article 69.—Shall, on conviction by the same or by any other Court Martial which is competent to try the offender, be liable to such punishments as the convicting Court is, by these Articles, empowered to award.

CHAPTER VI.—*Unspecified Offences.*

Article 70.—All offences not punishable with death, all neglects to obey any garrison or other orders, and all acts and omissions, of which any person subject to these Articles is accused, shall, though not specified in these Articles, if they be prejudicial to good order and military discipline, be taken cognizance of and punished according to the nature and degree of the offence, act or omission by any Court Martial empowered to try the person guilty of such offence, act or omission.

Abetment.

Article 71.—Every person subject to these Articles who abets, within the meaning of the Indian Penal Code, sections 107 and 108, any of the offences specified in Articles 7, 8, 10, 13, 14, 18 and 19, may be punished with the punishment hereinbefore provided for such offence.

Every such person who abets, within the meaning of the Indian Penal Code, sections 107 and 108, any other offence punishable under this Act, shall be punished

with imprisonment of any description provided by this Act for the offence so abetted for a term which may extend to one-half of the longest term of such imprisonment,

or with one-half of any other penalty awardable by the Court by which he is convicted,

or, if the offence is punishable with death or transportation for life, with transportation for a term not less than seven years or with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to ten years.

The said sections of the Indian Penal Code are set forth in Part II of the Appendix to this Act.

TITLE III.—JURISDICTION.

CHAPTER I.—*Courts Martial.*

Kinds of Courts Martial.

Article 72.—For the purposes of these Articles, there shall be eight kinds of Courts Martial, (that is to say),—

(1).—General Courts Martial.

(2).—Detachment General Courts Martial.

(3.) District

(3).—District Courts Martial.

(4).—Garrison Courts Martial.

(5).—Regimental Courts Martial.

(6).—Regimental Detachment Courts Martial.

(7).—Detachment Courts Martial, and

(8).—Summary Courts Martial.

(1).—*General Court Martial.*

Appointment of General Court Martial.

Article 73.—A General Court Martial may be appointed—

(*a*).—By the Commander-in-Chief of a Presidency:

(*b*).—By any Officer authorized to appoint General Courts Martial by warrant of the Commander-in-Chief of a Presidency:

(*c*).—By any Officer in actual command of Native troops who is authorized to appoint General Courts Martial by order of the Governor General of India in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council:

(*d*).—By any Officer commanding Native troops not attached to the forces of a Presidency who is authorized to appoint General Courts Martial by warrant which the Governor General of India in Council has empowered the Commander-in-Chief in India to issue.

Composition of such Court.

Article 74.—Except as hereinafter provided, every General Court Martial shall, if held in British India, consist of not less than nine Commissioned Officers, but may, if held out of British India, consist of seven Commissioned Officers, if a greater number cannot be conveniently assembled.

Composition of such Court appointed under Orders in Council.

Article 75.—A General Court Martial appointed under the authority of an Order in Council shall consist of not less than five Commissioned Officers, and shall, if so provided in the Order, be composed either of European or of Native Commissioned Officers at the discretion of the Officer appointing it.

Powers

Powers of such Court.

Article 76.—A General Court Martial shall have power to try all persons subject to these Articles accused of mutiny or of any other offence punishable under this Act, and to pass sentences of death,

Transportation for life or for any period not less than seven years,

Imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years,

Dismissal from the service,

Suspension from rank, pay and allowances for any stated period,

Degradation,

Loss of standing,

Reduction to the ranks,

Corporal punishment not exceeding fifty lashes,

Forfeiture of additional pay, good conduct pay, and claim to pension,

Forfeiture of arrears of pay and allowances,

Stoppages.

Whenever any person is convicted of any offence for which he shall be transported or sentenced to imprisonment for a term of seven years or upwards, the Court may adjudge that all the rents and profits of his moveable and immoveable estate during the period of his transportation or imprisonment shall be forfeited to Government, subject to such provision for his family and dependents as the Government may think fit to allow during such period.

(2).—Detachment General Court Martial.

Appointment of such Court Martial.

Article 77.—When any portion of Her Majesty's troops is serving in any place not in British India, and not within the dominions of the Princes and States of India in alliance with Her Majesty, wherein Her Majesty's forces are permanently stationed, a Detachment General Court Martial may be appointed :—

(*a*).—By the Commander-in-Chief of a Presidency :

(*b*).—By any Officer authorized to appoint Detachment General Courts Martial by warrant of the Commander-in-Chief of a Presidency;

(*c*).—By

(*c*).—By the Officer in actual command of such troops, upon complaint being made of an offence against the person or property of any resident of such place, committed by any person under such Officer's command and subject to these Articles.

Its Composition and Powers.

Article 78.—Such Court Martial shall consist of not less than three Commissioned Officers, and shall have the same powers as a General Court Martial.

(3).—*District Court Martial, and*

(4).—*Garrison Court Martial.*

Appointment of such Courts.

Article 79.—A District or Garrison Court Martial may be appointed—

(*a*).—By the Commander-in-Chief of any Presidency:

(*b*).—By any Officer authorized to appoint District or Garrison Courts Martial (as the case may be) by warrant of the Commander-in-Chief of any Presidency :

(*c*).—By any Officer in actual command of Native troops authorized to appoint District or Garrison Courts Martial (as the case may be) by order of the Governor General of India in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council :

(*d*).—By any Officer commanding Native troops not attached to the forces of a Presidency authorized to appoint District or Garrison Courts Martial (as the case may be) by warrant which the Governor General of India in Council has empowered the Commander-in-Chief in India to issue.

Composition of such Courts.

Article 80.—(*a*). Except as hereinafter provided, a District or Garrison Court Martial shall consist of seven Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than five such Officers.

(*b*). A District Court Martial appointed under the authority of an Order in Council, may consist of any number of Commissioned Officers not less than three; and may, if so provided in the Order, be composed either of European or of Native Commissioned Officers at the discretion of the Officer appointing it.

Officers

Officers composing such Courts.

Article 81.—A District or Garrison Court Martial may, when necessary, be composed wholly of Officers of the regiment or corps to which the accused belongs: Provided that on the trial of a Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, not more than two Officers of the same regiment, corps, detachment, depôt or department as the accused shall sit upon any such Court.

Powers of such Courts.

Article 82.—A District or Garrison Court Martial shall have power to try all persons subject to these Articles, other than Commissioned Officers, for any offence other than mutiny made punishable by these Articles, and to pass sentences of—

Imprisonment (with or without hard labour, and with or without solitary confinement) for a term not exceeding one year,

Dismissal from the service,

Suspension from rank, pay and allowances,

Degradation,

Loss of standing,

Reduction to the ranks,

Corporal punishment not exceeding fifty lashes,

Forfeiture of additional pay, good-conduct pay and claim to pension,

Forfeiture of arrears of pay and allowances,

Stoppages.

(5).—*Regimental Court Martial.*

Appointment of such Court.

Article 83.—A Regimental Court Martial may be appointed by the Officer commanding any regiment or corps.

Composition of such Court.

Article 84.—A Regimental Court Martial shall consist of not less than five Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than three such Officers.

Powers

Powers of such Court.

Article 85.—A Regimental Court Martial shall have power to try—

(*a*).—All persons subject to these Articles, other than Commissioned Officers, Sub-Assistant Surgeons, Hospital Assistants, Native Doctors and Warrant Officers, for any offence other than mutiny, desertion or disgraceful conduct, punishable under these Articles, when committed on the line of march, or on board any vessel :

(*b*).—Any offence punishable under this Act, and not within the ordinary jurisdiction of a Regimental Court Martial, other than mutiny, desertion and disgraceful conduct, when the Officer commanding the Division or District directs it to be tried by a Regimental Court Martial; and

(*c*).—Any offence punishable under these Articles, other than offences not within the ordinary jurisdiction of a Regimental Court Martial—

and to pass sentences of—

Dismissal,

Loss of standing,

Reduction to the ranks,

Imprisonment (with or without hard labour and with or without solitary confinement) for a term not exceeding six months,

Corporal punishment not exceeding fifty lashes,

Forfeiture of arrears of pay and allowances,

Stoppages.

(6).—*Regimental Detachment Court Martial, and*

(7).—*Detachment Court Martial.*

Appointment of Regimental Detachment Court Martial.

Article 86.—A Regimental Detachment Court Martial may be appointed by the Officer commanding a detachment of his own regiment or corps :

Appointment of Detachment Court Martial.

Article 87.—A Detachment Court Martial may be appointed,—

(*a*).—By the Officer commanding any Station, Force or Detachment of men of different regiments or corps;

(*b*).—By

(*b*).—By the Officer in command of any detachment when any offence not within the ordinary jurisdiction of a Regimental Court Martial (other than mutiny, desertion, or disgraceful conduct), is committed on the line of march, or on board any vessel.

Composition of such Courts.

Article 88.—A Regimental Detachment Court Martial and a Detachment Court Martial shall consist of not less than five Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than three Commissioned Officers.

Powers of such Courts.

Article 89.—A Regimental Detachment Court Martial and a Detachment Court Martial shall have the same powers as a Regimental Court Martial.

(8).—*Summary Courts Martial.*

Article 90.—(*a*). Subject to the provisions and restrictions contained in Articles 91, 92, 93, 94, 125 and 126, a Summary Court Martial may be held by the European Commissioned Officer who is in actual command, for the time being, of any regiment or corps,

or of any detachment consisting of, or equivalent in strength to, three troops or companies,

or of any European corps or detachment to which Native details subject to these Articles are attached,

or who is in charge of any arsenal, ordnance establishment, or camp equipage depôt.

(*b*).—In detached situations, beyond sea, or out of British India, or on service in the field, or under any circumstances where, immediate example being necessary, a Detachment Court Martial cannot be assembled as provided in Article 87, and reference cannot be made to superior authority without detriment to the service, a Summary Court Martial may be held by the European Commissioned Officer commanding a detachment of any strength:

Provided that if the Officer is of less than five years' standing, he shall not carry into effect any sentence by such Court Martial, until it has received the approval

approval of the nearest superior Military Officer holding a command of not less than a regiment.

Constitution of such Courts.

Article 91.—At every Summary Court Martial, the Commanding Officer holding it shall alone constitute the Court.

Persons triable by such Court.

Article 92.—No Commanding Officer shall have power to try by a Summary Court Martial any Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, or any person who is not liable to trial by Courts composed of Native Commissioned Officers; but all other persons subject to these Articles shall be liable to trial and punishment by a Summary Court Martial:

Provided that no person shall be so tried unless he is under the command of the Officer holding the trial.

Offences triable by such Court.

Article 93.—Any offence against these Articles, except mutiny, may be tried and punished by Summary Court Martial:

Provided that, when there is no emergent reason for immediate action, and reference can, without detriment to discipline, be made to superior military authority, a Commanding Officer shall not try by Summary Court Martial, without such reference, any of the following offences:—

Offences under Articles 8 to 23 both inclusive, ordinarily punishable by General Court Martial only:

Disgraceful offences under Articles 54, 55, 56, 60, 61 and 64; and

Offences against such Commanding Officer.

Its powers.

Article 94.—A Summary Court Martial held by any Officer Commanding a regiment or corps may award any sentence not exceeding that awardable by a District Court Martial.

A Summary

A Summary Court Martial held by any Commanding Officer other than the Officer Commanding a regiment or corps, may award any sentence not exceeding that awardable by a Regimental or Detachment Court Martial.

Trial of grave offences by inferior Courts.

Article 95.—Save, as provided by Article 85, clauses (*a*) and (*b*) and Article 89, no Commanding Officer shall try by a Regimental or Detachment Court Martial offences which are by these Articles declared to be punishable by a General, District or Garrison Court Martial only. But, as it may be expedient that some such offences should be tried by inferior Courts Martial, the Commanding Officer of any Regiment, Corps or Detachment shall, in every such instance, submit the case for the orders of the Officer Commanding the Division or District in which he is serving, and the Officer Commanding such Division or District, whether on or without such application, may direct trial by such kind of Court Martial as he thinks fit:

Provided that mutiny shall in no case be tried save by a General Court Martial, and that desertion and disgraceful conduct shall in no case be tried by any Court Martial inferior to a District or Garrison Court Martial.

The permission to try grave offences by District or Garrison, Regimental or Detachment Courts Martial, shall be entered upon the proceedings of such Court, and in the monthly return of trials furnished to Army Head Quarters.

Courts composed of European Officers.

Article 96.—The Governor General of India, or the Governor of any Presidency, may, by an order in Council, direct that any Court Martial appointed under these Articles, shall be composed of European instead of Native Commissioned Officers, or authorize any General or other Officer to appoint Courts Martial so composed at his discretion.

Any such Court Martial shall in such case be constituted accordingly, but shall in all other respects be governed by these Articles.

Claim to be tried by European Officers.

Article 97.—With the exception of cases of trial by Courts Martial appointed under Orders in Council, every person subject to these Articles, who is under orders for trial by Court Martial, may claim to be tried by European Officers.

When

When any such claim is made, the Court, whether a General, District, Garrison, Regimental or Detachment Court Martial, shall be composed of European instead of Native Commissioned Officers; but shall in all other respects be governed by these Articles.

Chapter II.—*Procedure.*

Limitation of trials.

Article 98.—No person subject to these Articles shall be tried or punished by a Court Martial for any military offence after the expiration of three years from the date of such offence, unless the offender, by reason of absence or of some other manifest impediment, could not be arrested or confined and brought to trial within that period; in which case he shall be liable to be tried at any time not exceeding two years after such impediment shall have ceased.

Place of trial.

Article 99.—Any person subject to these Articles who commits any offence against them, may be tried and punished for such offence in any place whatever in the same manner as if the offence had been committed in such place.

Arrest or confinement of accused.

Article 100.—Whenever any person subject to these Articles is accused of any military offence which his Commanding or other superior Officer considers should be tried by Court Martial, such Officer shall order the accused, if not below the rank of Non-Commissioned Officer, to be placed in arrest, or if below such rank, to be put in confinement, until he can be tried by a Court Martial, or discharged by proper authority.

No such person shall be detained in arrest or confinement longer than is necessary for the purposes of justice.

Judge Advocate.

Article 101.—It shall not be necessary to appoint a Judge Advocate to any General Court Martial appointed under the authority of an Order in Council. But every other General Court Martial shall be attended by a Judge Advocate, who shall conduct the proceedings; and every District or Garrison, Regimental or Detachment Court Martial, composed of Native Commissioned Officers,

Officers, shall be attended by an European Superintending Officer of not less than four years' service, who shall conduct the proceedings.

Interpreter.

Article 102.—An Interpreter shall be appointed to every Court Martial, and shall, when the Court is composed of Native Officers, form part of such Court.

If no duly qualified Interpreter is available at the station or place where the Court Martial sits, the Officer appointing the Court, or the Officer Commanding in the Division, District, or place within or at which the trial is to be held, shall appoint any competent person to perform the duty of Interpreter.

When no other qualified or competent person is available, the Superintending Officer, or in the case of an European Court, the President, shall perform the duty of Interpreter.

No Interpreter shall, as such, have a vote upon any matter.

President.

Article 103.—At every Court Martial, whether composed of European or Native Commissioned Officers, the senior Officer shall sit as President, without special appointment as such.

In case of the death or unavoidable absence of the President, the next senior member shall take the place of President, without special appointment as such, and the trial shall proceed if the Court be still composed of the smallest number of members of which it is required by these Articles to consist.

Conduct of Proceedings.

Article 104.—In the case of any General Court Martial appointed under an Order in Council, or of any other Court Martial composed of European Commissioned Officers under Article 96 or 97, the President shall conduct the proceedings.

Precedence of Native Officers.

Article 105.—Risáldár Majors and Súbahdár Majors shall take precedence according to the dates of their commissions, and above all Súbahdárs or Risáldárs.

Sirdár

Sirdár Bahádurs and Bahádurs shall take rank only according to their respective commissions of Risáldár Major, Súbahdár Major, Risáldár, Risáidár Súbahdár, or Jemadár.

Risáldárs shall take rank with Súbahdárs, according to the dates of their commissions as Risáidárs, or if they have not been Risáidárs then according to the dates of their commissions as Risáldárs.

Time of Trial, Adjournment and Re-assembly.

Article 106.—Trials by Courts Martial may be carried on at any time without restriction.

The date and hour of the Court's original assembly shall be fixed by, or under the orders of the convening Officer; but the adjournment and re-assembly of a Court Martial shall be determined by the Court itself.

Challenges.

Article 107.—At all trials by Courts Martial, other than Courts Martial appointed under an order in Council or Summary Courts Martial, as soon as the Court is assembled, the names of the President and Members shall be read over to the prisoner, who shall thereupon be asked by the Officer conducting the proceedings, whether he objects to being tried by any Officer sitting on the Court.

If the prisoner objects to any such Officer, his objection, and also the reply thereto of the Officer objected to, shall be heard and recorded, and the remaining Officers of the Court shall, in the absence of the challenged Officer, decide on the objection.

When no challenge is made, or when challenge has been made and disallowed, or the place of every Officer successfully challenged has been filled by another Officer to whom no objection is made or admitted, the Court shall proceed as hereinafter provided.

Interpreter's oath.

Article 108.—The Officer conducting the proceedings shall then administer to the Interpreter, or, when necessary, shall himself make as Interpreter, an affirmation or oath as follows :—

"I

"I solemnly affirm, in the presence of Almighty God, that I "will faithfully interpret and translate the proceedings of this Court; and that "I will not divulge the sentence until it shall have been published by authority; "and, further, that I will not disclose or discover the vote or opinion of any "particular member of the Court unless required to give evidence thereof by a "Court of Justice or Court Martial, in due course of law."

When oath is made instead of affirmation, the oath shall commence—

"I do swear that I will faithfully interpret," &c., and shall be in all other respects in the above form, and shall end with the words, "So help me God."

Oaths of President and Members.

Article 109.—The Interpreter, or the Officer conducting the proceedings, shall then administer to the President and each of the Members of the Court Martial an affirmation or oath in such of the following forms as shall be appropriate:—

For European Officers.

"I solemnly affirm, in the presence of Almighty God, that I "will duly administer justice, according to the Indian Articles of War, without "partiality, favour or affection; and if any doubt shall arise, then, according to "my conscience, the best of my understanding, and the custom of war in the "like cases; and that I will not divulge the sentence of the Court until it shall "be published by authority; and, further, that I will not disclose or discover the "vote or opinion of any particular member of the Court, unless required to give "evidence thereof by a Court of Justice or a Court Martial, in due course of "law."

When oath is made instead of affirmation, the oath shall commence—

"I do swear that I will duly administer justice," &c., and shall be in all other respects in the above form, and shall end with the words, "So help me God."

For Native Officers of the Mussulman or Hindú religion, or of any other religion for which it may be appropriate.

"I solemnly affirm, in the presence of Almighty God, "that I will duly administer justice according to the Indian Articles of War, "without

" without partiality, favour or affection ; and if any doubt shall arise, then, " according to my conscience, the best of my understanding, and the custom of " war in the like cases ; and that I will not divulge the sentence of the Court " until it shall be published by authority ; and, further, that I will not disclose " or discover the vote or opinion of any particular member of the Court, unless " required to give evidence thereof by a Court of Justice or a Court Martial, in " due course of law."

Judge Advocate's oath.

Article 110.—The Interpreter, or any other European Officer of the Court, shall then administer to the Judge Advocate, or Superintending Officer, the following affirmation or the following oath :—

" I solemnly affirm, in the presence of Almighty God, " that I will not, upon any account whatsoever, disclose or discover the vote or " opinion of any particular member of the Court Martial, unless required to give " evidence thereof as a witness by a Court of Justice or a Court Martial, in due " course of law ; and that I will not, unless it be necessary for the due dis- " charge of my official duties, disclose the sentence of the Court until it shall " be published by authority."

When oath is made instead of affirmation, the oath shall commence—

" I do swear that I will not, upon any account whatsoever, disclose," &c., and shall be in all other respects in the above form, and shall end with the words, " So help me God."

Oaths of Witnesses.

Article 111.—Every person giving evidence at a Court Martial shall be examined on oath, or on affirmation, where affirmation is appropriate and admissible, and shall be duly sworn or affirmed in such of the following forms as may be appropriate :—

For Europeans and persons professing the Christian religion.

" I do swear that what I shall state shall be the truth " the whole truth, and nothing but the truth. So help me God"—

or,

" I solemnly affirm, in the presence of Almighty what I shall state shall be the truth, the whole truth, and nothing b

For Mussulman, Hindú, or other Native Witnesses.

"I solemnly affirm, in the presence of "Almighty God, that what I shall state shall be the truth, the whole truth, and "nothing but the truth."

Oaths to be binding on conscience.

Article 112.—If none of the forms of oath or affirmation prescribed in Articles 108 to 111, both inclusive, are appropriate to any officer of a Court Martial or any witness, such officer or witness shall make oath or affirmation to the purport hereinbefore prescribed, in such form as the Court ascertains to be according to his religion or otherwise binding on his conscience.

Re-swearing in case of several trials.

Article 113.—When more trials than one are held by the same Court Martial, every officer of the Court and every witness before the Court, shall make a fresh oath or affirmation, as hereinbefore prescribed, notwithstanding any previous oath or affirmation.

Presumptive evidence of desertion.

Article 114.—If at any trial for desertion, it is proved that the person tried has been absent without authority for the space of two months, such proof shall be deemed sufficient presumptive evidence of desertion; and the Court may thereupon convict him of desertion, unless he proves that his absence was not wilful, or otherwise rebuts the presumption of desertion arising from the proof of his unauthorized absence.

Reference by prisoner to Government Officer.

Article 115.—If at any trial for desertion, absence without leave, overstaying leave, or not rejoining when warned for service, the person tried states, in his defence, any sufficient or reasonable excuse for his unauthorized absence, and refers in support thereof to any officer in the Civil or Military service of Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the Court shall address such officer, and adjourn [illegible]til his reply is received.

[illegible] e written reply of any officer so referred to shall, if signed by him, be [illegible] n evidence, and have the same effect as if made on oath or affirmation [illegible] ourt.

If

If the Court is dissolved before the receipt of such reply, or if the Court omits to comply with the provisions of this Article, the convening officer may, at his discretion, annul the proceedings and order a fresh trial by the same or another Court Martial.

Trial for desertion.

Article 116.—On any trial for desertion the accused may be found guilty either of desertion or of absence without leave.

Evidence of previous convictions and general character.

Article 117.—When any person subject to these Articles has been convicted by a Court Martial of any military offence, such Court Martial shall enquire into, and receive and record evidence of any previous convictions of such person, either by a Court Martial, or by a Court of Justice; and shall further, in the case of any person below the rank of a Warrant-officer, enquire into and record the general character of such person.

Evidence received under this Article may be either oral, or in the shape of entries in, or certified extracts from, the Court Martial Books; and it shall not be necessary to prove the signature to such certified extract, nor shall it be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

Voting of Members.

Article 118.—The members of a Court Martial shall preserve order; and in giving their votes upon any matter, shall begin with the junior in rank.

Except where otherwise specially provided, every decision shall be passed by a majority of votes; and where there is an equality of votes, as to either finding or sentence, the decision shall be in favour of the person tried.

In matters other than the finding or sentence, the President shall have a casting vote.

Majority requisite to sentence of death.

Article 119.—No sentence of death shall be passed by any General Court Martial, other than a General Court Martial held under an Order in Council, unless

less such sentence is concurred in by at least two-thirds of the Officers composing the Court, or by five out of seven, or four out of five Officers, when the Court consists of either of those numbers.

A General Court Martial held under an Order in Council may, by the votes of a majority of such Court, pass a sentence of death.

Revision of finding or sentence.

Article 120.—The finding or sentence of any Court Martial may be revised by order of the Officer authorized to dispose of the proceedings.

But no finding or sentence of a Court Martial shall be revised more than once; nor shall any evidence, save evidence as to previous convictions or general character, be received on a revision.

The Court, on revision, shall consist of the same, and the same number of Officers as were present when the original decision was passed, unless any such Officer or Officers shall be unavoidably absent.

In case of such unavoidable absence, the cause thereof shall be duly certified in the proceedings, and the Court shall proceed with the revision, provided it still consists of the smallest number of Officers of which such Court is by these Articles required to consist.

Procedure to be generally followed.

Article 121.—The procedure laid down in the Articles 106 to 119 (both inclusive) shall be adopted at all trials by Courts Martial save when otherwise specially ordered or provided.

Summoning witnesses.

Article 122.—The Judge Advocate, in the case of a General Court Martial, and the Officer ordering the trial in the case of any other Court Martial may, by summons under his hand, require the attendance before the Court, at a time and place to be mentioned in the summons, of any person, either to give evidence or to produce documents.

In the case of a witness amenable to military authority, the summons shall be sent to the Officer in actual command of the corps to which he belongs, and such Officer shall serve it upon him accordingly.

In

In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be, or resides, and such Magistrate shall give effect to the summons as if the witness were required in the Court of such Magistrate.

When a witness is required to produce any particular document in his possession or power, the summons shall describe it with convenient certainty.

Contempts of Court.

Article 123.—Any witness duly summoned, or any other person who commits any contempt of Court in the presence of a Court Martial, or who commits any of the offences described in Articles 56, 67, or 68, shall, if subject to these Articles, be proceeded against as they direct; and shall, if not so subject, be delivered over to a Magistrate, who shall proceed against the offender in the same manner as if the offence had been committed before or towards a Court of Criminal Justice.

Privilege of witnesses.

Article 124.—Every witness, while proceeding to, attending on, or returning from, any Court Martial before which he has been summoned, shall be privileged from arrest in any civil suit or proceeding; and if arrested in any such suit or proceeding, may be discharged by order of such Court Martial.

SUMMARY COURTS MARTIAL.

Persons to attend Summary Court Martial.

Article 125.—Every Summary Court Martial shall be attended by two Commissioned Officers, European or Native, exclusive of the Commanding Officer holding the trial.

An Interpreter shall, in every case, attend at a Summary Court Martial; but when no other competent Interpreter is available, the Officer holding the trial, or one of the Officers in attendance thereat, may perform the duty of Interpreter.

No Interpreter shall, as such, have a vote upon any matter.

Proceedings

Proceedings of such Courts.

Article 126.—The proceedings of every Summary Court Martial shall be conducted in presence of all the Officers specified in Article 125, and shall be recorded in the English language in the manner usual at other Courts Martial.

Oaths of Interpreter and Officer holding trial.

Article 127.—The Interpreter at a Summary Court Martial shall first make oath or affirmation, as provided by Article 108, down to the words "published by authority;" and the Commanding Officer holding the trial shall then make oath or affirmation, as provided in Article 109, down to the words "custom of war in the like cases."

The Officers in attendance shall not as such be sworn or affirmed.

Evidence.

Article 128.—All evidence at a Summary Court Martial shall be taken on oath or affirmation, as provided by Article 111.

Any previous convictions on record against the offender, and his general character, shall be recorded by the Commanding Officer as of his own knowledge, or proved as provided by Article 117.

Signature and transmission of proceedings.

Article 129.—The proceedings in every case in which a Regimental Court Martial or a Detachment Court Martial tries an offence not within the ordinary jurisdiction of a Regimental Court Martial, committed on the line of march or on board a vessel, shall be sent for the information of the Commander-in-Chief of the Presidency to which the Regiment or Detachment belongs, and of the Presidency within which they may be, or to which they are proceeding.

The proceedings of every Summary Court Martial shall, when closed, be signed by the Commanding Officer and the Officers attending the trial, and shall, without delay, be forwarded to the Officer Commanding the Division or District within which the trial was held; and such Officer, or the Commander-in-Chief in India, or of the Presidency in which the trial was eld, is hereby authorized to set aside the trial for reasons based on the merits o he case, but not on any merely technical grounds.

When

When a Summary Court Martial is held in a force not attached to any Presidency, the Officer Commanding such force may exercise the powers given in this Article in regard to setting aside trials.

The proceedings of every other Court Martial shall, when closed, be signed by the members, and shall, without delay, be forwarded or delivered to the Officer under whose orders the trial has been held.

CHAPTER III.—*Sentences.*

Of General Courts Martial.

Article 130.—(*a*). Any General Court Martial may, for any offence falling under Articles 7 to 23, both inclusive, and for such offences only, sentence any person subject to its jurisdiction to death, or to transportation for life, or for any period not less than seven years, or to imprisonment (with or without hard labour, and with or without solitary confinement) for any period not exceeding fourteen years.

(*b*).—Any General Court Martial may, for any offence falling under Article 54, 55 or 56 of these Articles, sentence any person as aforesaid to the penalties attached to such offences in Article 57, and may, for any other disgraceful conduct, award the penalties attached to that offence in Articles 136, 137 and 138.

(*c*).—Any General Court Martial may, in any case where no special punishments are prescribed, or, in addition to any special punishment, where so authorized, sentence any person amenable thereto to any punishment specified in Articles 131, 132, 133, 135, 137 and 138.

(*d*).—No Court Martial, other than a General Court Martial, shall have power to award a sentence of death, transportation, or imprisonment exceeding one year.

Any General Court Martial may sentence any Commissioned Officer to be dismissed the service or to be suspended from rank, pay and allowances for any stated period; or to be placed one or more steps lower in the list of his rank.

No Court Martial, other than a General Court Martial, shall have power to try or punish a Commissioned Officer.

Of

Of General, District or Garrison Courts Martial.

Article 131.—Any General, District or Garrison Court Martial may sentence a Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer to be dismissed the service; or to be suspended from rank, pay and allowances for any stated period; or to be reduced to a lower grade or class in his Department, or to be placed one or more steps lower in the list of his rank.

No Court Martial inferior to a District or Garrison Court Martial shall have power to try or punish any Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer.

Reduction, Dismissal, Corporal punishment and Imprisonment.

Article 132.—Any Court Martial may sentence a Non-Commissioned Officer to be reduced to the ranks; or to be placed one or more steps lower in the list of his rank;

Or may sentence any person subject to these Articles below the rank of Warrant Officer, to be dismissed the service; or to suffer corporal punishment not exceeding fifty lashes; or to imprisonment with or without hard labour, and with or without solitary confinement, for such periods as are hereinafter prescribed.

Limit of Imprisonment.

Article 133.—Except in the cases provided for in Articles 24 and 57, the limit of imprisonment, whether with or without hard labour and solitary confinement, awardable by Courts Martial under these Articles, shall be for General Courts Martial two years; for District or Garrison Courts Martial one year; and for Regimental or Detachment Courts Martial six months.

Solitary Confinement.

Article 134.—No person shall, under any such sentence, or under one or more sentences, be kept in solitary confinement more than eighty-four days in one year, or more than fourteen days at one time, and there shall be, between the periods of solitary confinement, intervals of ordinary imprisonment at least equal to the period of solitary confinement.

Reduction

Reduction to ranks.

Article 135.—No Non-Commissioned Officer shall be sentenced by any Court Martial to imprisonment or to corporal punishment, without being first sentenced to reduction to the ranks.

Forfeiture of pay and pension.

Article 136.—On a conviction of any disgraceful conduct, a General, District or Garrison Court Martial may, in addition to any other punishment which it is empowered to award, sentence the offender to forfeit all advantage as to additional pay, good-conduct pay and claim to pension on discharge, which might otherwise have accrued from the length or nature of his former service; or to forfeit all such advantage absolutely, whether it has accrued from former service or may accrue from future service.

Forfeiture of arrears of pay.

Article 137.—On any conviction of disgraceful conduct, if the offender be sentenced to dismissal from the service, or if his sentence involve dismissal under Article 155 or Article 157, he shall further be sentenced to forfeit any arrears of pay and allowances, or other public money, due to him at the time of his dismissal, or such portion thereof as may be required to make good any proved loss or damage arising out of his disgraceful conduct.

Any Court Martial may, in addition to dismissal, or to any punishment involving dismissal under Article 157, sentence any person whom it is authorized to try, to forfeit any arrears of pay and allowances, or other public money, due to him at the time of his dismissal, or such portion thereof as may be required to make good any proved loss or damage arising out of his misconduct.

Stoppages.

Article 138.—Every offender convicted of disgraceful conduct, whose dismissal from the service is not so awarded or involved as aforesaid, shall, in addition to any other punishment, be sentenced by the Court to be put under stoppages, to the extent provided by Article 139, until the amount of any proved loss or damage arising out of such conduct be made good.

And any Court Martial, in addition to any punishment other than, or not involving, dismissal, may sentence any person as aforesaid to be put under stoppages,

pages, to the extent specified in Article 139, until any proved loss or damage arising out of his misconduct be made good.

Extent of Stoppages.

Article 139.—Stoppages under Article 138 shall not be awarded, whether under one or more than one sentence, to a greater extent than, in the case of an Officer, two-thirds, or in the case of any other person, one-half of his monthly pay and allowances; and shall not be so awarded as to extend beyond one year.

Any public money issued to the offender within the said period of one year, shall, for the purposes of this Article, be deemed to be pay and allowances.

Sentence of Transportation or Imprisonment on person already sentenced.

Article 140.—Whenever a sentence of transportation or imprisonment is passed by any Court Martial upon an offender already under sentence of transportation for a limited term, or of imprisonment, the Court may award transportation or imprisonment to commence on the expiration of such previous sentence; notwithstanding that the aggregate of any terms of imprisonment may thus exceed the limit of imprisonment which such Court is by these Articles empowered to award.

Form of sentence of death.

Article 141.—In awarding a sentence of death, a General Court Martial shall, at its discretion, direct that the offender shall "suffer death by being hanged by the neck until he be dead," or shall "suffer death by being shot to death."

Chapter IV.—Confirmation and Commutation of sentences.

Sentences to be confirmed or otherwise disposed of.

Article 142.—Save in the case of a Summary Court Martial, no decision or sentence of any Court Martial shall be carried into effect until confirmed or otherwise disposed of by—

(*a*).—In the case of any Court Martial for the trial of any person within his command—the Commander-in-Chief of a Presidency: or

(*b*).—In the case of any Court Martial for the trial of any person under his command—any Officer authorized in this behalf by warrant of the Commander-in-Chief

in-Chief of any Presidency, but subject to any restrictions contained in the warrant: or

(*c*).—In the case of any Court Martial for the trial of any person under his command—any Officer in actual command of troops who is authorized in this behalf by the Governor General of India in Council, the Governor of Fort Saint George in Council, or the Governor of Bombay in Council:

(*d*).—In the case of any Court Martial for the trial of any person under his command—any Officer commanding Native troops not attached to the forces of a Presidency who is authorized in this behalf by warrant of the Commander-in-Chief in India:

(*e*).—In the case of a Detachment General Court Martial held beyond the limits of British India, and not within the dominions of the Princes and States of India in alliance with Her Majesty—the Officer appointing such Court Martial, unless the sentence of such Court Martial exceeds that awardable by a District or Garrison Court Martial, in which case the Commander of Her Majesty's forces with which the offender is serving, shall alone have power to confirm, remit, commute or annul such sentence:

(*f*).—In the case of a Regimental Court Martial for the trial of any person under his command—the Officer appointing such Court Martial:

(*g*).—In the case of a Regimental or other Detachment Court Martial for the trial of any person under his command, where the detachment consists of, or is equal in strength to, three troops or companies—the Commanding Officer:

(*h*).—But when any such Court Martial is held in a Detachment of less than, or not equal in strength to, three troops or companies, the sentence shall be submitted for confirmation to the Officer Commanding the prisoner's Regiment, or to the nearest superior Officer holding a command of not less than a Regiment, who is hereby empowered to dispose of such sentence in like manner as if the trial had been held by his own order:

Provided that in detached situations beyond sea, or out of British India, or on service in the field, or in cases where immediate example is necessary and reference cannot be made to such Regimental or other superior Commanding Officer without detriment to the service, the Officer Commanding any Detachment,

ment, whatever its strength, may dispose of and carry out the sentence of any Detachment Court Martial held by his order.

(*i*).—Any Commander-in Chief or Officer mentioned in clauses (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) of this Article may, subject to the provisions of these Articles, and to the restrictions (if any) in the warrant (if any) by which he is authorized in this behalf, mitigate, remit, commute or annul any sentence to the execution of which his confirmation is necessary.

Sentence of death.

Article 143.—When a sentence of death has been passed by any General Court Martial, the Officer so authorized, in accordance with these Articles, may confirm such sentence and cause it to be carried into effect, or may, in lieu thereof, sentence the offender to transportation for life, or for any term not less than seven years, or to imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years.

Sentence of penal servitude or transportation.

Article 144.—Notwithstanding anything hereinbefore contained, whenever any person, being an European or American or a legitimate lineal descendant of an European or American, is convicted of an offence punishable under these Articles with transportation, the Court shall sentence the offender to penal servitude instead of transportation, according to the provisions of Act No. XXIV of 1855.

When a sentence of transportation has been awarded by any General Court Martial, the Officer authorized, in accordance with these Articles, may confirm the sentence and cause it to be carried into effect, or may, in lieu thereof, sentence the offender to imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years, and not exceeding the term of transportation awarded by the Court.

Sentence of dismissal on Commissioned Officers, &c.

Article 145.—A sentence of dismissal from the service passed by any Court Martial under these Articles upon a Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, may be commuted

commuted by the Officer duly authorized to confirm or otherwise dispose of such sentence, to suspension from rank, pay and allowances for any stated period.

Any sentence on Commissioned Officers, &c.

Article 146.—Except on foreign service, or when reference cannot, without detriment to discipline, be made to superior military authority, no decision or sentence passed upon any Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, shall be carried into effect until confirmed or otherwise disposed of by the Commander-in-Chief of the Presidency to which the offender belongs, or, when the offender is serving in a Presidency, by the Commander-in-Chief of such Presidency, or, when the offender belongs to a force not attached to any Presidency, by the Officer Commanding the force.

Sentence of corporal punishment.

Article 147.—A sentence of corporal punishment passed by any Court Martial may be commuted, by the Officer authorized to confirm or otherwise dispose of such sentence, to dismissal from the service, or to imprisonment without hard labour, and with or without solitary confinement, for any period not exceeding one year, which might have been awarded by such Court Martial.

Sentence of imprisonment with hard labour.

Article 148.—A sentence of imprisonment with hard labour passed by any Court Martial may be commuted, by the Officer authorized to confirm or otherwise dispose of such sentence, to dismissal from the service, or to imprisonment without hard labour, and with or without solitary confinement, for the term mentioned in the sentence, or for any shorter term.

Sentence of reduction with corporal punishment or imprisonment.

Article 149.—The Officer duly authorized to confirm or otherwise dispose of the sentence of any Court Martial may, in the case of a Non-Commissioned Officer sentenced by any such Court, mitigate a sentence of reduction to the ranks followed by corporal punishment or imprisonment to reduction only,

Commutation of sentence of dismissal on Non-Commissioned Officers.

or may commute a sentence of dismissal from the service to reduction to the ranks.

CHAPTER

Chapter V.—Execution of Sentences.

Transportation.

Article 150.—Whenever the sentence of a General Court Martial awarding transportation is duly confirmed, or whenever a sentence of death is duly commuted to transportation, the offender shall be delivered over with a warrant of commitment, containing an authenticated copy of the sentence or commuted sentence, to the Officer in charge of the nearest jail; and such Officer shall give effect to the sentence accordingly, under such order as he may receive from the Local Government.

Imprisonment with hard labour.

Article 151.—Whenever the duly confirmed sentence of any Court Martial awards imprisonment with hard labour, or whenever the sentence of any Court Martial is duly commuted to such imprisonment, the offender shall be delivered over with a warrant of commitment, containing an authenticated copy of the said sentence or commuted sentence, to the Officer in charge of the nearest jail; and such Officer shall detain the offender, under the rules in force, in such jail, according to the exigency of the warrant, or until he is discharged by due course of law.

Place of imprisonment.

Article 152.—The Commander-in-Chief of a Presidency may, as occasion requires, direct that any person under his command and sentenced under these Articles to imprisonment, shall be confined in any jail or other fit place for confinement, situate within the local limits of such command, or may order his removal from any place of confinement under military control to any other such place, or to any jail or other fit place of confinement situate within such local limits.

The Officer Commanding any force not attached to any Presidency, shall have the like powers so far as regards persons under his command and jails or other places of confinement situate within the local limits of such command.

Transfer to military custody.

Article 153.—When any person subject to these Articles is confined in any jail or other place not subject to military control, under a sentence of transportation or imprisonment, whether passed by a Court Martial or by a Court of Criminal Justice, the Government of India, or the Local Government of the Presidency

sidency or place wherein such person is confined, may order his transfer to military custody,

or may order his removal from one to any other such place of confinement within the territories of such Government.

The period during which such person is in custody during his removal shall be reckoned as part of his term of transportation or imprisonment.

Forfeiture of pay during imprisonment.

Article 154.—Any person subject to these Articles in receipt of public pay, who is imprisoned in any place under the sentence, or commuted sentence, of a Court Martial, or a Court of Criminal Justice, shall, during such imprisonment, if his sentence does not involve dismissal under Article 155 or Article 157, forfeit all pay and allowances, and be entitled to subsistence only, according to the rates prescribed in the regulations of the Government to which he is subject.

And any such person in confinement in any place whatsoever, whether as a punishment by his Commanding Officer, or under any charge of which he is subsequently convicted, shall, during such confinement, forfeit all pay and allowances, and be entitled to subsistence only, according to the regulations of the Government to which he is subject.

Striking Convict off strength of Regiment.

Article 155.—Every person sentenced by any Court Martial, or by any Court exercising jurisdiction in criminal cases, to transportation or to imprisonment with hard labour for any term exceeding three months, shall, in the case of a sentence by a Court Martial, from the date of confirmation of such sentence, and in the case of a sentence by a Criminal Court, from the date of such sentence, be struck off the strength of the regiment, corps or department to which he belongs.

Non-re-admission of Convict.

Article 156.— No person who has undergone any such period of transportation or imprisonment with hard labour, shall be re-admitted to the service, or be entitled to any pension:

Provided that in the case of any illegal sentence duly annulled as aforesaid, or of a pardon under Article 160, such person may, by order of the Government when

when the offence is non-military, or by order of the Commander-in-Chief of the Presidency when the offence is military, be re-admitted to service, or pension, as the case may be.

Dismissal with ignominy.

Article 157.—Any person below the rank of Warrant Officer sentenced under these Articles to dismissal, or to imprisonment with hard labour, or to corporal punishment for disgraceful conduct, shall, on the confirmation of such sentence, be dismissed with ignominy from the service.

Publication of sentence for disgraceful conduct.

Article 158.—A copy of every confirmed sentence of dismissal, imprisonment with hard labour, or corporal punishment for disgraceful conduct, and of the orders passed thereupon, shall be sent by the Adjutant General of the Army to the Chief Civil or Political Officer of the District wherein the offender's place of residence is situated; and such Officer shall publish the sentence and orders at the said place in such manner as may there be usual.

Sentences of Summary Courts Martial.

Article 159.—Any sentence awarded by a Summary Court Martial may be carried into effect forthwith on the Commanding Officer's own authority, and all provisions contained in Articles 151, 152, 153, 154, 155, 156, 157, 158, 160 and 161 as to execution of sentences and disposal of prisoners, shall equally apply to persons sentenced by Summary Court Martial.

Chapter VI.—Pardons and Remissions.

Pardon of person convicted of military offence.

Article 160.—The Governor General of India in Council, as regards any person subject to these Articles who has been convicted by a Court Martial of a military offence, and the Governors of Fort St. George in Council, and of Bombay in Council, and the Commander-in-Chief of any Presidency, as regards any such person within the territories subject to such Government, or under the command of such Commander-in-Chief, shall have power to pardon such person, and may, instead of granting a full pardon to any such person, remit wholly or in part any punishment awarded to him by a Court Martial,

and

and may order the restoration to such person of any service or other advantage forfeited under his sentence.

Release of prisoners.

Article 161.—Any Officer in charge of a jail, on receiving a notification under the hand of a Secretary to the Government of India, or to the Government of Fort St. George, or to the Government of Bombay, or under the hand of the Commander-in-Chief of any Presidency, or of the Officer Commanding any force not attached to a Presidency, or any Division or District, that the sentence under which any person subject to these Articles is imprisoned in such jail, has been annulled or remitted, or that any such person has been pardoned under Article 160, shall, on the authority of such notification alone, immediately release the prisoner or return him to military custody.

CHAPTER VII.—*Regimental Courts of Enquiry.*

Article 162.—If any person subject to these Articles is, without due authority, absent from his duty for two months, a Regimental Court of Enquiry, composed of European or Native Commissioned Officers, or of both in conjunction, shall forthwith assemble, and having received proof on oath or affirmation of the unauthorized absence, shall declare the same, and the period thereof; and the Officer Commanding the Regiment or Corps shall record such declaration in the regimental books.

If the person absent does not afterwards surrender or is not apprehended, such record shall have the legal effect of a conviction of desertion.

If he surrenders or is apprehended, such record, or a copy thereof, purporting to bear the signature of the Officer having the custody of the regimental books, shall, on the trial of such person for desertion, be presumptive evidence of the facts therein recorded; and on proof of the identity of the prisoner with the person therein-mentioned, he may be found guilty of desertion.

Persons absent as Prisoners of War.

Article 163.—No person subject to these Articles shall be entitled to any pay or allowances or other public money, or to reckon service during any absence as a prisoner of war.

But

But when such person rejoins the service, enquiry shall be made by a Court Martial into the circumstances of his absence; and unless it is proved to the satisfaction of such Court that he was taken prisoner through his own wilful neglect of duty, or that he had served with or under, or aided the enemy, or that he had not, as soon as possible, returned to the service, he may be recommended by the Court to receive either the whole or any portion of the arrears due to him, and to reckon his service.

Such recommendation duly confirmed by the Commander-in-Chief of the Presidency, or by the Officer Commanding any force not attached to a Presidency, to which the said person belongs, shall entitle him to receive such arrears and reckon service accordingly.

TITLE IV.—POWERS OF OFFICERS INDEPENDENTLY OF TRIAL.

Reduction to ranks.

Article 164.—The Commander-in-Chief of a Presidency, and the Officer Commanding any force not attached to a Presidency, shall have, respectively, power to reduce to the ranks Non-Commissioned Officers under their respective command.

Minor Punishments.

Article 165.—The Commander-in-Chief in India shall, under the authority of the Governor General in Council, prescribe the minor punishments to which persons subject to these Articles shall for light offences be liable, without the intervention of a Court Martial, and shall specify the Officer or Officers by whom, and the extent to which, such minor punishments may be awarded.

No such minor punishment shall be awarded by a Court Martial; and, unless otherwise specially provided by the said Commander-in-Chief, no Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, shall be liable to any such minor punishment.

Good-conduct pay shall not necessarily be forfeited on the infliction of a minor punishment, but forfeiture thereof may be awarded as a substantive punishment, either by order of the Commanding Officer or by sentence of a Court Martial, as may from time to time be prescribed in the General Orders of the Commander-in-Chief in India or of the Commander-in-Chief of the Presidency, as the case may be.

Whenever

Whenever a Soldier is convicted by a Court Martial, his good-conduct pay shall cease.

Forfeiture of good-conduct pay may be awarded in addition to any other minor punishment.

Offences of Native Followers.

Article 166.—For any offence in breach of good order, the Commanding Officer of any regiment, corps or detachment, whether European or Native, in camp, or at any frontier post at which troops are stationed, and to which this Article may be specially extended by the Governor General of India in Council, the Governor of Fort St. George in Council, the Governor of Bombay in Council, or any other Local Government, may sentence any Native follower of such regiment, corps or detachment, if above the degree of a menial servant, to pay a fine not exceeding fifty rupees, or, in default of payment, or in lieu thereof, to imprisonment for any period not exceeding thirty days; or if the Native follower be not above the degree of a menial servant, to imprisonment not exceeding seven days, or to corporal punishment not exceeding twelve strokes of a rattan.

Imprisonment awarded under this Article may be carried out in a military guard, or in a jail, as ordered by the said Commanding Officer; and the Officer in charge of any jail shall, on the delivery to him of the person of the offender, with a warrant under the hand of the said Commanding Officer, detain the offender according to the exigency of the warrant, or until he is discharged by due course of law.

Complaints against Officers.

Article 167.—Any person subject to these Articles, who deems himself wronged by any superior or other Officer, may, if not attached to a troop or company, complain to the Officer under whose command or orders he is serving; and may, if attached to a troop or company, complain to the Officer Commanding the same.

When the Officer complained against is the Officer to whom any other complaint should, under this Article, be preferred, the aggrieved person shall complain to such Officer's next superior Officer.

No such complaint shall be made to any Officer other than those indicated in the former part of this Article.

Every

Every Officer receiving any such complaint shall examine into it, and, when necessary, refer it to superior authority.

Every such complaint shall be preferred through such channels as may be from time to time prescribed by proper authority ; and any person preferring a frivolous or groundless complaint shall be liable to trial by any Court Martial competent to try him, and to such punishment, other than dismissal, corporal punishment, or imprisonment with hard labour, as the Court is empowered by these Articles to award.

Provost Marshals.

Article 168.—For the prompt and instant repression of irregularities and offences committed in the field or on the line of march, Provost Marshals shall be appointed by the Commander-in-Chief of the Presidency, or the Officer Commanding the Forces in the field ; and the powers and duties of such Provost Marshals shall be regulated according to the established custom of war and the rules of the service.

Their duties and powers.

Article 169.—The duties of a Provost Marshal so appointed are to take charge of prisoners confined for offences of a general description, to preserve good order and discipline, and to prevent breaches of the same by persons belonging or attached to the Army.

The Provost Marshal may punish, corporally, then and there, any person amenable to these Articles below the rank of Warrant Officer, who, in his view or in the view of any of his assistants, commits any breach of good order and military discipline :

Provided that such punishment shall be limited to the necessity of the case, and shall accord with the orders which the Provost Marshal may from time to time receive from the Officer Commanding the troops :

Provided also that the orders of the said Commanding Officer shall in no case authorize such corporal punishment in excess of that awardable by sentence of a Court Martial.

If the actual commission of the offence is not witnessed by the Provost Marshal, or any of his assistants, but sufficient proof can be obtained of the offender's

offender's guilt, he shall report the case to the Commander of the Troops, who shall deal with the case as he may deem most conducive to the maintenance of good order and military discipline.

Title V.—Non-military Offences.

Offences committed within jurisdiction of Criminal Court.

Article 170.—Any person subject to these Articles, who, at any place in British India within the jurisdiction of any Court of Criminal Justice established by Her Majesty, or by the Government of India, or by the Local Government, is accused of any offence against the Indian Penal Code, and not included in the foregoing Articles, shall be delivered over to the nearest Magistrate to be proceeded against according to law.

All persons in, or attached to, the Army, are hereby required, upon application duly made to them for that purpose, to assist the Officers of Justice in apprehending and securing any such accused person.

Any person in, or attached to, the Army, wilfully neglecting or refusing so to assist shall be punished with any punishment, other than death or transportation, awardable under these Articles.

Offences committed out of British India.

Article 171.—In any place out of British India, offences against the Indian Penal Code, and not included in the foregoing Articles shall, when committed by any person amenable to these Articles, be cognizable by a General Court Martial to be convened by any Officer who is empowered by warrant, or Order in Council, or by Article 77, to appoint General Courts Martial.

General Court Martial for trial of such offences.

Article 172.—The provisions of these Articles as to the composition and procedure of General Courts Martial, shall, with the exception of those contained in Article 117, apply to General Courts Martial for the trial of non-military offences:

Provided that such General Courts Martial shall, in every case, be attended by a Judge Advocate.

Sentences

Sentences of such Court.

Article 173.—A General Court Martial held for the trial of a non-military offence, shall, on the conviction of any offender, award punishment in accordance with the provisions of the Indian Penal Code.

Confirmation of sentences.

Article 174.—No decision or sentence passed by any such General Court Martial shall be carried into effect until confirmed or otherwise disposed of by the authority which, under these Articles, is empowered to confirm or otherwise dispose of the sentence of such General Court Martial; and no sentence of death shall be carried into effect until confirmed by the Commander-in-Chief of the Presidency to which the offender belongs, or, when the offender is beyond the limits of British India, until confirmed by the Officer Commanding Her Majesty's Forces with which the offender is serving, or when the offender does not belong to any Presidency, until confirmed by the Commander-in-Chief in India.

Commutation of sentences.

Prisoners.

Article 175.—All the provisions contained in Articles 143, 144, 148, 150, 151, 152, 153, 154, 155, 156 and 161, relating to the disposal of sentences and of sentenced prisoners, shall apply to persons sentenced by a General Court Martial for a non-military offence.

TITLE VI.—EFFECTS OF DECEASED MEN AND OF DESERTERS.

Article 176.—When any person subject to these Articles dies, or is killed in the field, the Officer Commanding the regiment, corps or detachment, or the Officer in charge of the department to which such person belonged, shall, if no representative in interest of such person be on the spot, secure his effects in camp or quarters, and cause an inventory thereof to be made, and a duplicate of such inventory to be lodged with the Officer Commanding, or in charge of, the regiment, corps, detachment or department to which the deceased belonged.

Sale of effects and discharge of debts.

Article 177.—If there be no representative on the spot, or readily accessible, such Officer shall, without any representation taken out, publicly sell such part

part of the effects of the deceased in camp or quarters as do not consist of money, and shall pay thereout the debts of the deceased in camp or quarters, the expense of his funeral ceremonies, and his regimental debts of every description; and shall pay the surplus (if any) to the representative in interest of the deceased.

Remittal of Surplus.

Article 178.—In the event of no claim for the surplus of the deceased person's estate being made and established within twelve months of his death, the amount in the hands of the Officer in charge of the estate shall be remitted to the Controller General of Accounts at Calcutta, or to the Accountant General to the Government of Fort St. George or of Bombay; or, if the deceased shall have belonged to a force not under any Presidency, to the Controller General of Accounts at Calcutta.

Sale of effects of Deserters.

Article 179.—The effects in camp or quarters of a deserter shall be publicly sold, and the proceeds, after payment thereout of all regimental or departmental claims, shall be remitted by the Officer Commanding, or in charge of, the regiment, corps, detachment or department to which the deserter belongs, to the Controller General of Accounts at Calcutta, or to the Accountant General to the Government of Fort St. George or of Bombay.

Remittal of proceeds.

If the deserter belongs to a force not attached to any Presidency, then the said proceeds shall be remitted to the Controller General of Accounts at Calcutta.

Part III.—Miscellaneous.

Prohibition of Second Trial.

(*a*).—Persons subject to the Articles contained in Part II of this Act, who have been acquitted or convicted, either by a Court Martial or by a Court of Criminal Justice, of any offence, whether military or non-military, shall not be again tried or punished for the same offence by any Court whatsoever.

But any such person may be dismissed the service.

Prohibition

Prohibition of Arrest for Debt.

(*b*).—No person attested under this Act or any previous Articles of War for Her Majesty's Indian Army, shall, so long as he belongs to such Army, be liable to be arrested for debt under any process issued by, or by the authority of, any Court of Law.

The Judge of any such Court may examine into any complaint made by such person or his superior Officer, of the arrest of such person contrary to the intent of this Act, and may by warrant under his hand discharge such person, and shall award reasonable costs to the complainant, who may recover such costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining such process.

The arms, horse, clothes, equipments, regimental accoutrements and necessaries of any such attested person shall not be seized, nor shall his pay and allowances or any part thereof be attached, in satisfaction of any judgment against him or any person whom he may represent.

Breach of Cantonment Rules.

(*c*).—When any offence in breach of any duly authorized Cantonment rule or regulation is committed by any person not subject to the said Articles, and not an European British subject or an Officer or Soldier, the Officer Commanding the Cantonment may, where there is no Cantonment Magistrate, summon or order the apprehension of the offender; and such Officer may (after personally investigating the case) sentence the offender to pay a fine not exceeding fifty rupees; or in default of payment of, or in lieu of, such fine, to imprisonment in any jail or military guard for a period not exceeding thirty days.

The Officer in charge of any jail shall, on the delivery to him of the person of the offender, with a warrant under the hand of the said Commanding Officer, detain the offender according to the exigency of the warrant, or until he is discharged by due course of law.

Capture of Deserters.

(*d*).—Whenever any person subject to the said Articles deserts, the Commanding Officer of the regiment, corps or detachment to which he belongs, shall give written information of the desertion to such Civil, Political, or Police authorities as, in his opinion, may be able to afford assistance towards the capture

ture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter, in like manner as if he were a person for whose capture a warrant had been issued by a Magistrate, and shall deliver the deserter when apprehended to military custody.

Such authorities shall also, by such means as appear to them best adapted for the purpose, prevent persons reasonably suspected to be subject to the said Articles from travelling through the districts subject to their jurisdiction, unless on duty, or furnished with a certificate of leave or discharge.

Any Police Officer may arrest, without warrant, any person so suspected, and shall bring him without delay before the nearest Magistrate, or the nearest Military Commanding Officer when no Magistrate is readily accessible, to be dealt with according to law.

Apprehension of Military Offenders.

(*e*).—Whenever any person subject to the said Articles, who is accused of any military offence, is within the jurisdiction of any Civil, Political, or Police Officer, such Officer shall aid in the apprehension and delivery to military custody of such person upon receipt of a written application to that effect, signed by his Commanding Officer.

Presumption as to signatures.

(*f*).—In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an Officer in the civil or military service of Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

Native Troops serving out of their own Presidency.

(*g*).—When any portion of the Native troops belonging to any Presidency is serving within the limits of any other Presidency, such troops shall, during such service, for all the purposes of the said Articles, be under the authority and orders of the Commander-in-Chief of the Presidency in which they are serving:

Provided that it shall be lawful for the Governor General of India in Council to direct that, for the purposes of the said Articles, Native troops serving out of their own Presidency shall continue subject to the authority and orders of the Commander-in-Chief of the Presidency to which such troops belong.

Power

Power to make Orders and issue Warrants.

(*h*).—The Governor General of India in Council,

The Governors of Fort St. George and Bombay in Council,

The Commander-in-Chief of any Presidency,

may respectively make all orders and issue all warrants for holding Courts Martial or otherwise, which appear necessary for the purposes of this Act; and in the case of military offences requiring to be disposed of without delay, the Governor General of India in Council, and the Governors of Fort St. George and Bombay in Council may respectively further authorize any Officer empowered by Order in Council to confirm, commute, remit or annul sentences in such cases, to refer such sentences for orders to the Commander-in-Chief of the Presidency.

Limitation of Powers.

(*i*).—Nothing hereinbefore contained shall empower the Commander-in-Chief of a Presidency to re-admit to service or pension any person not within his command, or to authorize any Officer to appoint, or to confirm, commute, remit or annul the sentences of Courts Martial for the trial of any person not within the command of such Commander-in-Chief, except in the case specified in the proviso in clause (*g*) of this Part,

or shall empower any Government to give directions as to the composition of, or to authorize the appointment of, Courts Martial in any place for the time being subject to any other Government.

Nothing in this Act shall be deemed to affect the authority conferred on the Commander-in-Chief in India by any Act of Parliament or by Royal warrant or commission.

Power to make Rules.

(*j*).—It shall be lawful for the Governor General of India in Council from time to time to make rules consistent with this Act, for the guidance of Officers, whether Military, Civil, or Political, in all matters connected with its enforcement.

All such rules shall be published in the *Gazette of India*, and shall thereupon be deemed to have the force of law.

The Commander-in-Chief in India, as regards the Presidency of Fort William and Forces not attached to any Presidency, may, with the previous sanction

sanction of the Governor General of India in Council, and the Commanders-in-Chief of the Presidencies of Fort Saint George and Bombay, as regards their respective Presidencies, may, with the previous sanction of the Local Government, from time to time substitute for the forms of affirmation given in Articles 109 and 111 as appropriate to Native Officers and witnesses, such other forms as may be thought appropriate to Native Officers and witnesses of any religion.

Articles to be read periodically.

(*k*).—The following Articles, namely, Articles 3, 4, 5, 7 to 71, both inclusive, 90, 91, 92, 93, 94, 125, 126, 130, 131, 132, 133, 135, 136, 137, 138, 139, 154, 167 and 176, shall be read once in every three months at the head of every regiment, corps, troop, or company in the service.

APPENDIX.

PART I.—DEFINITIONS IN THE INDIAN PENAL CODE.

[See PART I, CLAUSE (*e*).]

Wrongful gain.

23. "Wrongful gain" is gain, by unlawful means, of property to which the person gaining is not legally entitled.

Wrongful loss.

"Wrongful loss" is the loss, by unlawful means, of property to which the person losing it is legally entitled.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

Dishonestly.

24. Whoever does anything with the intention of causing wrongful gain to one person, or wrongful loss to another person, is said to do that thing "dishonestly."

Fraudulently.

Fraudulently.

25. A person is said to do a thing fraudulently if he does that thing with intent to defraud, but not otherwise.

Reason to believe.

26. A person is said to have "reason to believe" a thing, if he has sufficient cause to believe that thing, but not otherwise.

OF HURT.

Hurt.

319. Whoever causes bodily pain, disease, or infirmity to any person is said to cause hurt.

Grievous Hurt.

320. The following kinds of hurt only are designated as "grievous" :—

First.—Emasculation.

Secondly.—Permanent privation of the sight of either eye.

Thirdly.—Permanent privation of the hearing of either ear.

Fourthly.—Privation of any member or joint.

Fifthly.—Destruction or permanent impairing of the powers of any member or joint.

Sixthly.—Permanent disfiguration of the head or face.

Seventhly.—Fracture or dislocation of a bone or tooth.

Eighthly.—Any hurt which endangers life, or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

Voluntarily causing hurt.

321. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt."

Voluntarily

Voluntarily causing grievous hurt.

322. Whoever voluntarily causes hurt, if the hurt which he intends to cause, or knows himself to be likely to cause, is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."

Explanation.—A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending, or knowing himself to be likely, permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days; A has voluntarily caused grievous hurt.

Of Criminal Force and Assault.

Force.

349. A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:

First.—By his own bodily power.

Secondly.—By disposing any substance in such a manner that the motion, or change, or cessation of motion takes place without any further act on his part, or on the part of any other person.

Thirdly.—By inducing any animal to move, to change its motion, or to cease to move.

Criminal Force.

350. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the

the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear, or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations.

(*a*). Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear, or annoyance to Z, A has used criminal force to Z.

(*b*). Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, A has committed criminal force to Z.

(*c*). Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(*d*). A intentionally pushes against Z in the street. Here A has, by his own bodily power, moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z, and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, he has used criminal force to Z.

(*e*). A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes, or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.

(*f*). A

(*f*). A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy her, he has used criminal force to her.

(*g*). Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally, by his own bodily power, causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling: A has therefore intentionally used force to Z; and if he has done this without Z's consent, intending or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has used criminal force.

(*h*). A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear, or annoyance to Z, he uses criminal force to Z.

Assault.

351. Whoever makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation.—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(*a*). A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(*b*). A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(*c*). A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances might not amount to an assault, the gesture explained by the words may amount to an assault.

378. Whoever

Theft.

378. Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Explanation 1.—A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2.—A moving, effected by the same act which effects the severance, may be a theft.

Explanation 3.—A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

Explanation 4.—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(*a*). A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession, without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(*b*). A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(*c*). A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(*d*). A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent, A has committed theft.

(*e*). Z,

(*e*). Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(*f*). A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(*g*). A finds a ring lying on the high-road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

(*h*). A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(*i*). A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(*j*). If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(*k*). Again, if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he had borrowed on the watch, he commits theft, though the watch is his own property, inasmuch as he takes it dishonestly.

(*l*). A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z, as a reward

reward for its restoration. Here A takes dishonestly; A has therefore committed theft.

(*m*). A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(*n*). A asks charity from Z's wife. She gives A money, food, and clothes, which A knows to belong to Z, her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(*o*). A is the paramour of Z's wife. She gives A valuable property, which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property dishonestly, he commits theft.

(*p*). A in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft.

Of Extortion.

Extortion.

383. Whoever intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion."

Illustrations.

(*a*). A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(*b*). A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(*c*). A

(*c*). A threatens to send club-men to plough up Z's field, unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(*d*). A by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper, and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

II.—INDIAN PENAL CODE, CHAPTER V.

OF ABETMENT.

SECTIONS 107 AND 108.

(See *Article* 71.)

Abetment of a thing.

107. A person abets the doing of a thing who—

First.—Instigates any person to do that thing; or,

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or,

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration.

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact, and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Abettor.

Abettor.

108. A person abets an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1.—The abetment of the illegal omission of an act may amount to an offence, although the abettor may not himself be bound to do that act.

Explanation 2.—To constitute the offence of abetment, it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

Illustrations.

(*a*). A instigates B to murder C. B refuses to do so, A is guilty of abetting B to commit murder.

(*b*). A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation 3.—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustrations.

(*a*). A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(*b*). A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act, and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(*c*). A

(*c*). A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(*d*). A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4.—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration.

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5.—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed.

Illustration.

A concerts with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C, mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed, the offence defined in this section, and is liable to the punishment for murder.

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(Nothing hereinafter contained shall be deemed to have the force of law).

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BENGAL SECRETARIAT LIBRARY

ACT No. VI OF 1869.

Rep. by Act VII/71

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th March 1869.)

An Act to amend the Law relating to the Emigration of Native Labourers.

Preamble

WHEREAS it is expedient to amend the law relating to the emigration of Native Labourers; It is hereby enacted as follows:—

Probable length of winter voyage from Madras to Reunion or Mauritius.

1. The probable length of the voyage from Madras to Reunion, Mauritius, or Seychelles shall, notwithstanding anything contained in Act No. XLVI of 1860 *(to authorize and regulate the emigration of Native Labourers to the French Colonies)* or Act No. XIII of 1864 *(to consolidate and amend the law relating to the emigration of Native Labourers)*, section eight, be deemed to be, between the months of November and March inclusive, six weeks.

Licensing of recruiters

2. For section 24 of the said Act No. XIII of 1864 the following shall be substituted:—

Persons to license recruiters.

"24. The protector of emigrants at each of the three ports aforesaid and the British consular agent at each of the French Ports in India, shall license so many fit persons as shall to him seem necessary to be recruiters of labourers, and no person shall act or be employed as a recruiter of labourers except under a license from such Protector of Emigrants or British consular agent."

Refund of fee for emigration.

3. For section 31 of the said Act No. XIII of 1864 the following shall be substituted:—

Fee for emigration

"31. For the registration of every emigrant, the recruiter shall pay to the Magistrate a fee of one rupee. On proof of the desertion of any emigrant before embarkation, the fee paid in respect

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respect of such emigrant may be refunded by the Magistrate to the recruiter by whom it was paid, under such rules as shall from time to time be made in that behalf by the Governor General of India in Council."

Time of sailing for places west of Cape.

4. Notwithstanding anything contained in the same Act, section forty-five, the Local Government may, in cases of emergency, permit emigrants for any place west of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

Increase of space allowed to adult emigrants.

5. Notwithstanding anything contained in the same Act, section forty-seven, no compartment in an emigrant ship shall take more than one adult emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who shall have completed two and shall not have completed ten years of age for every eight superficial feet on deck.

Power to prohibit emigration.

6. Whenever the Governor General of India in Council or the Local Government has reason to believe that in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage,

the said Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local Gazette (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Local Government under this section may be cancelled by order of the said Governor General in Council.

7. Notwithstanding

Power to relax rule as to proportion of women

7. Notwithstanding anything contained in the said Act No. XIII of 1864, section sixty-three, or in any rules made or to be made by the Governor General of India in Council pursuant thereto, the Local Government may, in cases of emergency, permit any vessel carrying emigrants to leave the port of Calcutta, although the proportion of women embarked on board such vessel is not in accordance with the said rules.

"Magistrate of the District"

8. The third clause of section two of the same Act is hereby repealed, and the phrases "Magistrate of such District" and "Magistrate of the District," wherever they occur in such Act, shall be held to mean any officer exercising in such District the full powers of a Magistrate.

Power to increase fees.

9. The Governor General of India in Council may, from time to time by notification in the *Gazette of India*, increase any fee payable under sections nineteen, twenty-seven and thirty-four of the said Act No. XIII of 1864, and may also in like manner reduce to its present amount any fee so increased: Provided that no fee shall be increased under this section by more than double such amount.

Repeal of Act XIII of 1864, sections 55, 56, 57, 80.

10. Sections fifty-five, fifty-six, fifty-seven and eighty of the said Act No. XIII of 1864, are hereby repealed.

Indemnification.

11. All persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

Commencement of Act

This section shall come into operation at once: section 2 shall be deemed to have come into operation on the eighteenth day of March 1864; and the rest of this Act shall come into operation on the first day of May 1869.

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ACT No. VII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL. The whole Act repd by Act XIII of 18, So far as it gs validity to rules relating to dm such timber

(Received the assent of the Governor General on the 12th March 1869.)

An Act to give validity to certain Rules relating to Forests in British Burma.

Preamble.

WHEREAS certain Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865, were framed under Act No. VII of 1865 *(to give effect to Rules for the management and preservation of Government Forests)*, and were confirmed by the Governor General of India in Council and published in the *Gazette of India* dated the twelfth day of August 1865; and whereas certain of the said Rules relate to timber not the produce of such forests, and it is expedient to validate such Rules ~~and to indemnify the officers and other persons who have acted under them~~; It is hereby enacted as follows:—

Validation of Burma Forest Rules.

1. The Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865 shall, from such day down to the passing of this Act, be deemed to have had the force of law as regards all timber to which they purport to relate, and shall continue in force until the said Governor General in Council shall otherwise order.

Indemnification of officers.

2. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

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Repealed by Act 10 of 1872

ACT No. VIII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th March 1869).

An Act further to amend the Code of Criminal Procedure.

Preamble.

WHEREAS it is expedient further to amend the Code of Criminal Procedure; It is hereby enacted as follows:—

Short title.

I. This Act may be called "The Code of Criminal Procedure Amendment Act, 1869:" it shall be read with and taken as part of Act No. XXV of 1861, and it shall come into operation on the first day of June 1869.

Repeal of Acts.

II. The following Acts are hereby repealed (that is to say)—Act No. XXV of 1861 *(the Code of Criminal Procedure)*, sections 187, 386 and 420, Act No. XXXIII of 1861 *(to amend the schedule annexed to the Code of Criminal Procedure)*, Act No. XV of 1862 *(to amend the Code of Criminal Procedure)* and Act No. VIII of 1866 *(further to amend the schedule to the Code of Criminal Procedure)*.

Repeal of schedule.

The schedule annexed to the said Code is hereby repealed, and the schedule annexed to this Act shall be read in lieu thereof. Rep. by XIV/5

Amendment of certain sections of Code of Criminal Procedure.

III. The following sections of the Code of Criminal Procedure, namely, sections 26, 27, 28, 29, 30, 31 and 33, shall be read as if the words "or division of a district," and the words "or divisions of a district" and the words "or of two or more divisions of a district" were omitted therefrom.

New sections.

IV. The said Code shall be read as if such of the following sections as are distinguished by numbers and letters were respectively inserted next after the sections of the said Code distinguished by those numbers.

Of

PRICE TWO RUPEES.

Of the following sections, those distinguished by numbers only shall be substituted for the corresponding sections in the same Code, which are hereby repealed.

Local Government may delegate its power of appointing Magistrates.

23 A. With the sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it may think proper, to any officer under its control, the power conferred by section 23.

Succession to vacancies in the office of the Magistrate of a District.

23 B. When, in consequence of the office of the Magistrate of a District becoming vacant, any officer succeeds temporarily to the chief executive administration of the District in criminal matters, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties of the Magistrate of the District.

Power to determine local jurisdiction of a Magistrate of a District.

23 C. The Local Government may, by notification in the official Gazette, prescribe the local jurisdiction of a Magistrate of the District, as defined by section 14, and may by such notification from time to time alter such jurisdiction.

Power to appoint Magistrates in charge of Divisions of Districts.

23 D. The Local Government may invest any Magistrate with the local jurisdiction in a particular part of a District declared by section 18 to be deemed a Division of a District, and may from time to time alter the limits of such local jurisdiction.

Continuance of powers of officers transferred.

23 E. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act in any District, is transferred to an equal or higher office of the same nature within another District, he shall, unless the Local Government shall otherwise direct, continue to exercise the same powers in the District to which he is so transferred.

Powers may be varied or cancelled.

23 F. The Local Government may vary or cancel any powers with which any person may have been invested under this Act.

Subordination of all Magistrates to the Magistrate of the District.

23 G. Except as otherwise provided in this Act or by any other law for the time being in force, all Magistrates and Subordinate Magistrates shall be subordinate to the Magistrate of the District in which they exercise jurisdiction.

23 H. The

Delegation of certain powers of the Magistrate of a District.

23 II. The Local Government may, with such limitations as it may think proper, invest any Magistrate in charge of a Division of a District or any officer exercising the full powers of a Magistrate, with the authority conferred on the Magistrate of the District by sections 36, 66, 132, 308, 316, 318.

Concealment, &c., of kidnapped person.

31 A. If any person be charged under section 368 of the Indian Penal Code, with the offence of wrongfully concealing or keeping in confinement a person who has been kidnapped or abducted, such offence may be enquired into or determined in any District in which the concealment or confinement has taken place, or in any District in which the kidnapping or abduction may be enquired into or determined.

Magistrate may withdraw any case from a subordinate Court, and try it himself or refer it to any other such Court.

36. The Magistrate of the District, or a Magistrate in charge of a Division of a District, may respectively withdraw any criminal case from any Court subordinate to him, and may enquire into or try the case himself, or refer it for enquiry or trial to any other such Court competent to enquire into or try the same.

Certain Subordinate Magistrates not to hear complaints against European British subjects.

40 A. No Subordinate Magistrate who is not a Justice of the Peace shall exercise the authority conferred by section 40, unless he is empowered under section 38.

Court may apply portion of fine in compensation for loss or damage.

44. Whenever a Criminal Court imposes a fine, the Court may order the whole or any part of the fine to be paid in compensation,

(1). for expenses properly incurred in the prosecution,

(2). for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be awarded by a Court whose decision is subject to revision, the amount awarded shall not be paid until a period of two months shall have elapsed from the date of the award.

49 A. The

Power conferred under section 49 of the Code may be exercised by Inspector General of Jails.

49 A. The power conferred on the Local Government by section 49 may be exercised, under the orders and subject to the control of Government, by the Inspector General of Jails.

Levy of fine.

61. Whenever an offender is sentenced to pay a fine, the Court which sentences him, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment, may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender. Such warrant may be executed within the jurisdiction of the Court that issued it, and it shall authorise the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court when endorsed by the Magistrate of the District in which such property is situated.

Local Government to define what Magistrates and Subordinate Magistrates shall be empowered to entertain complaints preferred directly to themselves or on report of Police officer.

66 A. The Local Government may, by notification in the official Gazette, define what Magistrates or Subordinate Magistrates shall entertain cases either on complaint preferred directly to themselves or on the report of a Police officer; and such Magistrates or Subordinate Magistrates shall be competent to entertain such cases, if the offence charged is triable by them or if they shall have been empowered under section 38.

Magistrate of District may invest any Magistrate or Subordinate Magistrate with powers described in section 66 A.

66 B. The Magistrate of the District may, subject to the orders of the Local Government, empower any Magistrate or Subordinate Magistrate in his District to entertain cases either on complaint preferred directly to themselves or on the report of a Police officer.

Summons by whom served.

70. A summons shall ordinarily be issued through a Police officer; but the Magistrate issuing the summons may, if he see fit, direct it to be served by any other person.

Provisions in this chapter relating to a summons and its issue applicable to all summonses.

75. The provisions relating to a summons and its service and issue contained in this chapter, shall be applicable to every summons issued under this Act, except summonses to serve as a juror or assessor:

Provided

Provided that, when the person summoned is in the service of Government or of any Railway Company, the Court or Magistrate issuing the summons may send the summons to the head of the office in which the person summoned is employed, and such head shall thereupon cause the summons to be served on the person named therein.

Warrants to whom directed.

77. A warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing a warrant may, if he see fit, direct it to any other person.

Warrants to be endorsed may be sent by post.

86. A Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, may direct the warrant to any Magistrate within whose jurisdiction such person is, or is supposed to be, and may send the same by post.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon, and enforce its execution in the same manner as if the warrant had been originally issued by himself.

If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed it, and shall be dealt with by such Magistrate as provided in section 84.

Provisions in chapter V relating to a warrant and its issue applicable to all warrants.

99. The provisions relating to a warrant and its service and issue contained in this chapter shall be applicable to every warrant of arrest issued under this Act.

Search-warrant when grantable.

114. When a Magistrate considers that the production of anything is essential to the conduct of an enquiry into an offence known or suspected to have been committed, or when he considers that such enquiry will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within the jurisdiction of such Magistrate.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place or part so specified.

115. A

115. A search-warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing the warrant may, if he see fit, direct it to any other person.

Direction of search-warrant.

121. A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, may direct the warrant to any Magistrate within whose jurisdiction such house or place is situate, and may send the same by post.

Magistrate may send search-warrant by post to the Magistrate of another District.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

Procedure to be observed by such Magistrate

If the warrant is to be executed within the local limits of the High Court, it shall be addressed to the Commissioner of Police or to a Police Magistrate. In such case any property found on search made, may be dealt with as provided in sections 118 and 119

127. If the Magistrate of the District or a Magistrate in charge of a Division of a District, or any other officer exercising the powers of a Magistrate, upon information and after such enquiry as he may think necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents or counterfeit Government stamps or counterfeit coin, or instruments or materials for counterfeiting coin or for forging,

Search of house suspected to contain stolen property or forged documents.

or that any forged documents or counterfeit stamps or false seals or any counterfeit coin, or instruments or materials used for counterfeiting coin, or for forging, are kept or deposited in any house or other place,

he may by his warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as are specified in the warrant, and to seize and take possession of any property, documents, stamps, seals, or coins therein found, which he may reasonably suspect

suspect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

Procedure by Police officer upon seizure of property.

130. The seizure by any Police officer of property alleged or suspected to have been stolen, or of property seized by any Police officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold and shall hold the proceeds in trust for the owner subject to the provisions contained in sections 131 and 132 :

Provided that no Subordinate Magistrate of the Second Class shall exercise this power unless he is generally or specially authorized to do so by the Magistrate of the District.

Procedure where the owner is unknown.

131. When the owner of any such property is unknown, the Magistrate may detain the same, or the proceeds thereof if sold, and in case of such detention shall issue a proclamation, specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds thereof to appear before him and establish his claim within six months from the date of such proclamation.

Procedure if no claimant appear within six months from date of proclamation.

132. If no person within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

Order for disposal of property.

132 A. When the trial in any Criminal Court is concluded, the Court at the time of passing judgment may pass such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

132 B. Any

Stay of such order.

132B. Any Court of appeal, reference or revision may direct any such order passed by a Court subordinate thereto to be stayed, and may modify, alter or annul it.

Order may take form of reference.

132C. The order passed by any Court under section 132A or 132B may be in the form of a reference of the property to the Magistrate of the District, who shall in such cases deal with it as if he were acting under sections 130, 131 and 132 under the circumstances mentioned in section 130, and the seizure had been reported to him by the Police.

Police officers to make enquiry into certain offences only when directed to do so by Magistrate.

133. Except as provided in section 108, no Police officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence punishable under the Indian Penal Code, other than the offences described in column 3 of the schedule annexed to this Act, as offences for which a Police officer may arrest without warrant. But it shall be competent to a Magistrate, upon the report of a Police officer or otherwise, to direct enquiry to be made by a Police officer into any offence punishable under the Indian Penal Code or under any special or local law.

If officer in charge of Police station see no sufficient ground for an enquiry.

137. Provided also that, if it appear to the officer in charge of a Police station that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall not proceed in the case, but shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

Procedure when a Police officer deputes another.

140. When any officer in charge of a Police station requires any officer subordinate to him to make, without a warrant, an arrest which may lawfully be made by such officer without a warrant, he shall deliver to the Police officer required to make the arrest an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

The provisions of sections 82, 90, 91, 92, 93, 94, 95 and 96 shall be applicable to every order in writing issued under this section.

150. Provided

150. Provided that, when any fact is deposed to in evidence as discovered in consequence of information received from a person accused of any offence or in the custody of a Police officer, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact thereby discovered may be received in evidence.

So much of any statement or confession made by the accused as relates to a fact thereby discovered, may be given in evidence.

158. Every prosecutor and witness, whose attendance before the Magistrate is deemed necessary by the Police officer making the enquiry, shall execute a recognizance in the form (E) given in the Appendix hereto or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day.

Prosecutors and witnesses to execute recognizances to appear before the Magistrate.

Such day shall be the day whereon the accused person is to appear, if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the recognizance is executed, shall, after delivering to the prosecutor or one of the witnesses a duplicate thereof, send it with his report to the Magistrate.

No Police officer shall accompany the prosecutor or witnesses on his or their way to the Court of the Magistrate.

161. The officer in charge of a Police station, on receiving notice or information of the unnatural or sudden death of any person, shall immediately give intimation thereof to the nearest Magistrate, and proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, shall make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted.

Police to make immediate enquiry and report on unnatural and sudden deaths.

The report shall be signed by such Police officer and other persons or by so many of them as concur therein, and shall be forthwith forwarded to the Magistrate.

When

When there may be any doubt regarding the cause of death, such Police officer shall forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government if the state of the weather and the distance admit of its being so forwarded without risk of putrefaction on the road.

In the Presidencies of Madras and Bombay it shall be the duty of the head of the village to make the enquiry and report as aforesaid.

Discharge of an offender on his submission.

164. When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate or Justice of the Peace for trial under section 163, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Civil Courts empowered to complete investigation and commit accused to Court of Session.

173. In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for investigation to a Magistrate, complete the investigation itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of investigation under this section the Civil Court may exercise all the powers of a Magistrate.

Magistrate may issue his warrant.

179. When a complaint is made to the Magistrate of the District or any other officer exercising the powers of a Magistrate, or to any Subordinate Magistrate empowered to commit persons for trial before the Court of Session, that any person has committed, or is suspected to have committed, any offence triable exclusively by the Court of Session, or which, in the opinion of such Magistrate, ought to be tried by the Court of Session, such Magistrate may issue his warrant to arrest such person:

May issue a summons instead of a warrant.

Provided that, in any such case the Magistrate to whom such complaint is made may, if he thinks fit, instead of issuing in the first instance his warrant to arrest the accused person, issue his summons requiring him to appear to answer to such complaint.

185. When

185. When any person whose property has been declared to be at the disposal of Government under section 184 appears or is found within two years after the attachment of the property, and proves to the satisfaction of the Court trying him for the offence of which he was accused, or, if not tried or committed for trial for that offence, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice, such property, or if the same has been sold, the proceeds thereof, shall be restored to him.

Restoration of property declared to be forfeited.

203. Except as provided in section 209 no influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

208. The provisions of sections 188 to 192 (both inclusive) shall be applicable to witnesses named in support of the defence, who may be summoned by the Magistrate.

Sections 188 to 192 to apply to witnesses for defence.

209. The Magistrate of the District or other officer exercising the powers of a Magistrate, and any Subordinate Magistrate duly empowered under section 26, recording his reason for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column 7 of the schedule hereto annexed as triable by the Court of Session, on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Magistrate may tender pardon to accomplice.

If any person accepts a tender of pardon under this section, he shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, may, if the Magistrate or other officer as aforesaid thinks proper, be detained in custody pending the termination of the trial.

210. The High Court as a Court of reference, in cases tried with the aid of assessors, and the Court of Session, after committal but before the commencement of a trial, may, with the view of obtaining on the trial the evidence of any person or persons supposed

High Court or Court of Session may direct tender of pardon.

supposed to have been directly or indirectly concerned in or privy to any such offence, instruct the Magistrate to tender a pardon on the same condition to such person or persons.

The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

When High Court or Court of Session may direct the commitment of a person to whom a pardon may have been tendered

211. When a pardon has been tendered under section 209 or section 210, if it appears to the Magistrate before the committal or to the Court of Session at the time of trial, or to the High Court as a Court of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

In what cases the powers given by sections 219, 220 may be exercised

221. The powers given by sections 219 and 220 may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail:

Provided that the Magistrate or Court may at his or its discretion remit any portion of the penalty mentioned in the personal recognizance or in the recognizance of the surety or sureties, and enforce payment in part only:

All orders passed by any Magistrate under this section or section 219 or section 220 shall be subject to revision by the Magistrate of the District.

Warrant of commitment how to be directed, &c.

222. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge or Magistrate who issues it, and shall be directed to some jailor, or other officer or person having authority to receive and keep prisoners, and shall be in the form (C) given in the appendix to the said Code or to the like effect.

226A. When,

When accused appears to have been insane.

226 A. When, from the evidence given before a Magistrate, there appears to be sufficient ground for believing that the accused person committed an act which if he had been of sound mind would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act charged, or that he was doing what was wrong or contrary to law, he shall be sent for trial by the Magistrate before the Court of Session:

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, such person shall be sent for trial before the High Court.

Cases in which Magistrate may issue a warrant.

248. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed, or is suspected to have committed, any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months, such Magistrate may issue his warrant to arrest such person:

Summons instead of warrant.

Provided that in any such case the Magistrate to whom the complaint is made may, for any sufficient reason, instead of issuing his warrant in the first instance, issue his summons, requiring the person complained against to appear to answer to such complaint.

Issue of process, &c.

249. The provisions of sections 180 to 206 (both inclusive) and of sections 212 to 221 (both inclusive) and of section 224 shall be applicable to cases tried under this chapter:

On completing the examination of a witness under this section, the Magistrate, in addition to the memorandum required by section 199, shall record such remarks as he may think material respecting the demeanour of any witness while under examination.

Cases in which summons shall issue.

257. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed or is suspected to have committed any offence triable by such Magistrate and punishable with fine only, or with imprisonment for a period not exceeding six months, the Magistrate may issue his summons directed to such person, requiring

requiring him to appear at a certain time and place before such Magistrate to answer to the complaint :

When warrant may issue

Provided that, if the Magistrate is satisfied or has reason to believe that the accused person is about to abscond, he may, instead of issuing a summons, issue his warrant in the first instance for the arrest of such person.

Examination of accused

262 A. The Magistrate may examine the accused person subject to the provisions of sections 202, 203, 204 and 205.

Compensation in cases of frivolous or vexatious complaints

270. Whenever the Magistrate dismisses the complaint as frivolous or vexatious, he may, in his discretion, by his order of dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such Magistrate seems just and reasonable :

In such cases, if more persons than one are accused, the Magistrate may in like manner award compensation not exceeding fifty rupees to each of them :

Recovery of such compensation

The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and in default of such distress, by imprisonment of the complainant in the civil jail, for any time not exceeding thirty days, unless such sum shall be sooner paid.

Procedure of Subordinate Magistrate in cases beyond his jurisdiction

276. If, in the course of a trial before a Subordinate Magistrate, the evidence appears to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try, or for which he is not competent to commit the accused person for trial, he shall stay proceedings and submit the case to the Magistrate to whom he is subordinate, or to such other Magistrate having jurisdiction as the Magistrate of the District may direct ;

The Magistrate to whom the case is submitted shall either try the case himself or refer it to any officer subordinate to him having jurisdiction, or he may commit the accused person for trial :

In

In any such case, such Magistrate or other officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court:

But any statement or confession duly made by an accused person in the course of the trial before the Subordinate Magistrate shall be admissible as evidence.

Personal recognizance to keep the peace in cases of conviction.

280. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such charge before any Court of Session or the Magistrate of the District or a Magistrate in charge of a Division of a District or other officer exercising the powers of a Magistrate,

and the Court or Magistrate or other officer as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate or other officer as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate or other officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session:

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance shall commence when he is released.

Where the convicting officer has not the powers of a Magistrate.

When any accused person is convicted of any offence specified in this section by an officer not exercising the powers of a Magistrate, such officer, if he consider it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of

of the District, or other officer exercising the powers of a Magistrate to whom such officer may be subordinate, who shall deal with the case as if the conviction had been before himself.

Magistrate may order removal of nuisances.

308. Whenever the Magistrate of a District or of a Division of a District, considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well

(as the case may be),

or to appear before himself or some other officer exercising the powers of a Magistrate or of a Subordinate Magistrate of the First Class within the time mentioned in the order, and show cause why such order should not be enforced.

310. The

310. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was required by the order to appear to show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

Person ordered shall obey, or may claim a jury.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an odd number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant:

Constitution of jury.

The execution of the order shall be suspended pending such enquiry, and the Magistrate who issued the order shall be guided by the decision of the jury, which shall be according to the opinion of the majority:

Suspension of order.

If the applicant, by neglect or otherwise, prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate:

Procedure in case of non-appointment of or neglect by jury.

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect, as hereinafter provided.

Procedure in case of disobedience or neglect by person ordered.

311. If the person to whom the order mentioned in section 308 is issued does not obey such order,

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid.

No

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

Procedure where jury finds Magistrate's order to be reasonable.

312. If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper, the Magistrate who issued the order shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

If such latter order is not obeyed, the Magistrate may proceed as in section 311.

Procedure where person ordered satisfies Magistrate that the order is not reasonable.

313. If the person to whom the order of the Magistrate is issued appears and shows cause against it, so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

Injunction pending enquiry by jury.

314. If, pending the enquiry by a jury, the Magistrate that issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section 308 as is required to obviate or prevent such danger or injury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

Local Government may order trials before Court of Session to be by jury.

322. The Local Government may order that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any district, and such Local Government may from time to time revoke or alter such order.

The Local Government may also, if it see fit, direct that, in any district or in any class of offences, the jurors shall, before the trial, be sworn in such form as the Government may prescribe.

Orders

Orders passed under this section shall be published in the Government Gazette, and in such other manner as the Local Government shall from time to time direct.

Revision of list.

331. The Collector or other officer as aforesaid shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section 335, and insert the name of any person omitted from the list whom he deems qualified for such service.

A copy of the revised list shall be signed by the Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Collector or other officer as aforesaid in preparing and revising the list shall be final.

Refusal to plead, or plea of claim.

363. If the accused person refuses to plead, or claims to be tried, the Court shall proceed to choose jurors or select assessors and to try the case.

Dying declaration.

371. The declaration of a deceased person, whether it be reduced to writing or not and whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

Defence.

372. When the case for the prosecution has been brought to a close, the Court may, if it considers that there are no grounds for proceeding with the trial, record a judgment of acquittal; otherwise the accused person shall be called upon to enter upon his defence, and to produce his evidence.

When accused person may be examined.

373. The Court, at the close of the case for the prosecution, and at the close of the evidence on behalf of the accused person (if he produces any evidence), may put any questions to the accused person which it may think proper.

It

It shall be in the option of the accused person to answer such questions, and after such questions shall have been answered by the accused person, he or his counsel or agent may address the Court on the subject thereof.

The provisions of section 204 shall apply to examinations under this section.

When accused may address the Court.

374. The accused person or his counsel or agent may, at his option address the Court at the close of the case for the prosecution, or at the close of any evidence that may be adduced on his behalf.

Withdrawal of remaining charges on conviction on one of several charges.

379A. In trials before a Court of Session, when more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the Government pleader or other officer conducting the prosecution may with the consent of the Court withdraw, or the Court of its own accord may suspend, the enquiry into the remaining charge or charges.

Rules of evidence.

380A. The rules contained in sections 367, 368, 369, 370 and 371, shall be applicable to all trials and enquiries before Criminal Courts.

Execution of sentence of Court in cases referred to the High Court for confirmation of sentence.

383. In cases referred by the Court of Session for the confirmation of a sentence by the High Court, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order under the seal of the High Court, and attested with his official signature, to the Court of Session.

Such Court shall, if the sentence be confirmed, immediately issue a warrant to the officer in charge of the jail in which the prisoner is confined to cause the sentence or order to be carried into execution; or in the case of any other order, shall cause such order to be carried into effect.

Court of Session to send copy of finding and sentence to District Magistrate.

384. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence to the Magistrate of the District in which the trial was held.

If

If the accused person is sentenced to imprisonment, the Court shall forthwith forward him with a warrant for the execution of the sentence to the officer in charge of the jail of the district in which the trial was held.

The warrant shall state the offence of which the accused person has been convicted and the period during which he is to be imprisoned and the nature of the imprisonment.

Procedure after sentence passed by Court inferior to Session Court.

In cases tried by any Court inferior to a Court of Session, the Court passing the sentence shall forthwith forward the accused person with a similar warrant for the execution of the sentence to the officer in charge of the jail of the district in which the trial was held.

Execution of sentence under section 383 or 384.

385. Upon the receipt of a warrant under section 383 or 384, the officer in charge of the jail shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

Lunatic prisoners to be visited.

395. *Clause* 1.—When any person is confined under the provisions of section 390 or section 394, the officer in charge of the jail, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such officer in charge of the jail or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

Procedure where lunatic prisoner is certified to be capable of making his defence.

Clause 2.—If such person is confined under section 390, and such officer or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session shall appoint; and such Magistrate or Court shall deal with such person under the provisions of section 392, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

Clause 3.—If

Clause 3.—If such person is confined under the provisions of section 394, and such officer or visitors as aforesaid shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government shall thereupon either order his discharge or order him to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall appoint a commission consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers whereof the chief medical officer attached to the Lunatic Asylum shall be one. The said commission shall make formal enquiry into the state of mind of such person, taking such evidence as shall be necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

Procedure where lunatic confined under section 394 is declared capable of being discharged.

406. Whenever a case is revised by the High Court under this chapter, it shall certify its decision or order to the Court in which the conviction was had or by which the order was passed; or, if the conviction or order was passed by a Magistrate other than the Magistrate of the District, to the Magistrate of the District.

Proceedings of a case revised by High Court to be certified to Court in which conviction was had.

The Court or Magistrate to which the High Court certifies its order shall thereupon make such orders as are conformable to the decision of the High Court, and if necessary the record shall be amended in accordance therewith:

Provided that, in any case revised by the High Court under this chapter, the High Court shall not reverse the verdict of the jury, or, except as provided in this chapter, alter or reverse the sentence or order of the Court below.

Proviso.

409. Any person convicted on a trial held by the Magistrate of the District or other officer exercising the powers of a Magistrate, or required by such Magistrate or other officer under section 295 or section 296 to give security for good behaviour, may appeal to the Court of Session of the District.

Appeals from Magistrates.

413. Any person convicted by any Civil, Criminal or Revenue Court under chapter X of this Act may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in sections 416, 417, 418, 419, 420, 421 and 422.

Appeals from orders under chapter X.

Petitions

Petitions of appeal under this section, if presented to any District Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days calculated as last aforesaid.

An appeal may be admitted after the time herein provided on sufficient cause shown.

Period for presenting petitions of appeal.

415. Petitions of appeal to any Appellate Court, except the High Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days calculated as above.

An appeal may be admitted after the time herein provided on sufficient cause shown.

Appellate Court may suspend sentence pending appeal, and release defendant on bail

421. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be in confinement for an offence which is bailable, may order that he be released on bail ; and the High Court may exercise the same authority in cases coming before it as a Court of revision.

Appellate Court may direct further enquiry, &c.

422. In any case in which an appeal has been allowed, the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may direct such enquiry to be made and additional evidence to be taken.

The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and the Appellate Court shall thereupon proceed to dispose of the appeal in the manner prescribed by section 419.

Unless the Appellate Court otherwise direct the presence of the appellant may be dispensed with when the further enquiry is made or evidence taken.

The

The provisions of chapter XII relating to summoning and enforcing the attendance of witnesses and their examination shall, so far as may be, apply to witnesses examined under this section.

Court of appeal how to proceed in case of conviction by a Court not having jurisdiction.

427. When any Court has convicted a person of an offence not triable by such Court, the Appellate Court may annul the conviction and sentence of such Court, and direct the trial of the case by a Court of competent jurisdiction.

Right of accused to be defended by counsel.

432. Every person charged before any Criminal Court with an offence may of right be defended by any barrister or attorney of a High Court, or by any pleader duly qualified under the provisions of Act No. XX of 1865, or any other law in force for the time being relating to pleaders. Provided that any such person may with the permission of the Court (but not otherwise) employ any other person not being a barrister, attorney or pleader to assist him in his defence.

When Court of Session may order commitment of person discharged by Magistrate.

435. In the case of offences specified in the seventh column of the schedule to this Act annexed as triable by the Court of Session only or by the Court of Session or Magistrate of the District, the Court of Session may order the commitment of any accused person who may have been discharged by any Magistrate. In the case of such offences the Court of Session may order an enquiry into any complaint which any Magistrate may have dismissed without enquiry.

In the case of such offences the Magistrate of the District shall have like powers where the Magistrate who has discharged the accused person or dismissed the complaint without enquiry is a Subordinate Magistrate.

If the Court of Session consider that any person convicted by a Magistrate has committed an offence not triable by such Magistrate, it may annul the conviction and sentence and direct the commitment of the accused person for trial before itself.

Expenses of prosecutors and witnesses.

438. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General of India in Council, the Criminal Courts may order payment on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

440. A copy of the final sentence or order passed by any Criminal Court together with the reasons for passing or making the same shall be furnished without delay on the application of any party to the case in which such sentence or order was passed.

Copy of sentence or order to be furnished on application.

Such copy shall be made at the expense of the person applying for it, unless he is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court for any special reason sees fit to grant such copy free of expense.

445A. When under the provisions of section 445 this Act has been or shall be extended to any part of the territories not subject to the general Regulations of Bengal, Madras or Bombay, the Governor General in Council or the Local Government of such territory may invest the chief officer charged with the executive administration of a district in criminal matters, by whatever designation such officer is called, with power to try all offences not punishable with death, and under the provisions of the said Code to pass sentence of imprisonment of either description for a term not exceeding seven years, including such solitary confinement as is authorized by law, or fine or both.

Extension of Code of Criminal Procedure.

445B. Such chief officer shall try as a Court of Session offences which, under the schedule hereto annexed, are triable by a Court of Session only, and in such trials shall be guided by the rules contained in chapter XXV of this Code.

Procedure in cases triable by the Court of Session.

445C. Any person convicted on a trial held by any officer invested with the power described in section 445A may appeal to the High Court, and no appeal against such conviction shall lie to the Court of Session.

Appeals.

445D. When the High Court of reference, revision or appeal in any part of the territories to which this Code has been or shall be extended as aforesaid, consists of a single Judge, he shall have all the powers of two or more Judges of the Sadr Court under sections 398 and 401.

When High Court consists of one Judge.

SCHEDULE.

Explanatory Notes.—1st.—The entries in the 2nd and 6th columns of the schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the 1st column.

2nd—The term "Whether bailable or not," in column 5, is to be taken in connection with the provisions of sections 212 and 213 of this Code.

3rd—Offences may be tried by a Court superior to the Court specifically mentioned in column 7. For example, a Court of Session may try an offence entered in column 7 as triable by a Magistrate.

4th.—The words "Magistrate of the District," as used in column 7, shall include any officer exercising the powers of a Magistrate.

5th.—The words "any Magistrate," as used in column 7, shall include any Subordinate Magistrate of the 1st or 2nd Class.

6th.—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such officers as the Local Government of those territories respectively shall appoint.

7th.—The last part of this schedule headed "Offences against other Laws" shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

CHAPTER V—OF ABETMENT.

1	2	3	4	5	6	7
Section	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto	Ditto	Ditto	Ditto . .	Ditto.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto	Ditto	Ditto	The same punishment as for the offence intended to be abetted.	Ditto
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto .	Ditto	Ditto	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed.	Ditto ..	Ditto ...	Ditto	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto	Ditto	Not bailable .	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto .	Ditto ...	Ditto	Imprisonment of either description for 14 years and fine.	Ditto.

CHAPTER V—OF ABETMENT *(continued)*.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	By the Court by which the offence abetted is triable.
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto	Ditto	Ditto	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto	Ditto	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto	Ditto ...	Not bailable ..	Imprisonment of either description for 7 years, and fine.	Ditto.
	If the offence be not committed.	Ditto .	Ditto ..	Ditto .	Imprisonment of either description for 3 years, and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto .	Ditto	According as the offence abetted is bailable or not.	Imprisonment extending to ¼ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto .	Ditto	Not bailable ...	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed.	Ditto .	Ditto .	According as the offence abetted is bailable or not.	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto	Ditto ...	Ditto ..	Imprisonment extending to ¼ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

	If not committed	Ditto ...	Ditto ..	Ditto	Imprisonment extending to ¼ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

CHAPTER VI—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant	Not bailable ..	Death, or transportation for life, and forfeiture of property.	Court of Session.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto	Ditto	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto	Ditto .	Imprisonment of either description for 10 years, and fine.	Ditto.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto ..	Ditto	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto	Ditto	Ditto ...	Transportation for life and fine, or imprisonment of either description for 7 years, and fine, or fine.	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto ..	Ditto	Ditto	Imprisonment of either description for 7 years, and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto ..	Ditto	Ditto ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto	Ditto ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto ..	Ditto ...	Bailable ...	Simple imprisonment for 3 years, and fine.	Court of Session or Magistrate of the District.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ..	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII—OFFENCES RELATING TO THE ARMY AND NAVY.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
131	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant	Not bailable ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto	Ditto	Ditto	Death or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.	Ditto ...	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto	Ditto .	Imprisonment of either description for 7 years, and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier, or sailor.	Ditto	Ditto .	Bailable .	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
136	Harbouring such an officer, soldier, or sailor who has deserted.	Ditto	Ditto .	Ditto	Ditto	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons	Ditto .	Fine of 500 rupees .	Ditto.
138	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant	Warrant ..	Ditto .	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto	Summons ...	Ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being a member of an unlawful assembly.	May arrest without warrant.	Summons ...	Bailable	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate

144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ..	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto .	Ditto ..	Ditto ...	Ditto ...	Ditto.
147	Rioting	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto.
148	Rioting armed with a deadly weapon.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence ..	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto ..	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto .	Warrant ...	Ditto .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed.	Ditto ...	Summons ...	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of 1,000 rupees .	Magistrate of the District, or Subordinate Magistrate of 1st Class.
155	Person for whose benefit, or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ..	Ditto ...	Fine ...	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto .	Ditto ..	Ditto ..	Ditto ...	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY *(continued)*.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
158	Being hired to take part in an unlawful assembly or riot.	May arrest without warrant.	Summons ..	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	Or to go armed.	Ditto ...	Warrant ...	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray.	Shall not arrest without warrant.	Summons ..	Ditto ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto ..	Ditto ...	Ditto ..	Ditto	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ...	Ditto ..	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto .	Ditto .	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ..	Ditto ..	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ..	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ..	Ditto ...	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...	Ditto ..	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant.	May arrest without warrant.	Warrant ...	Ditto .	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable .	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto ..	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto .	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS (*continued*).

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Shall not arrest without warrant.	Summons ..	Bailable ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
167	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ...	Ditto ..	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto ..	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the information required respects the commission of an offence, &c.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

178	Refusing oath when duly required to take oath by a public servant.	Ditto .	Ditto ..	Ditto .	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
179	Being legally bound to state the truth, and refusing to answer questions.	Ditto .	Ditto .	Ditto .	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto ..	Ditto .	Ditto .	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto .	Warrant .	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ...	Summons .	Ditto .	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ...	Ditto .	Ditto ..	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto .	Ditto .	Ditto .	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto .	Ditto .	Ditto	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto .	Ditto .	Ditto .	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto .	Ditto ..	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto ..	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS *(continued)*.

1	2	3	4	5	6	7
Section	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Shall not arrest without warrant.	Summons .	Bailable ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If such disobedience causes danger to human life, health or safety, &c.	Ditto .	Ditto ...	Ditto ...	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto .	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ..	Ditto ..	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...	Bailable ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
	Giving or fabricating false evidence in any other case.	Ditto ..	Ditto .	Ditto	Imprisonment of either description for 3 years, and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto .	Not bailable	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ..	Ditto ...	Death, or as above	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto ...	Ditto ..	Ditto ...	The same as for the offence ...	Ditto.

196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ...	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	The same as for giving false evidence	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ..	Ditto .	Ditto	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto ..	Ditto ...	Ditto ...	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...	Ditto ..	Ditto	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
	If punishable with transportation, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with less than 10 years' imprisonment.	Ditto .	Ditto ..	Ditto ...	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District.
203	Giving false information respecting an offence committed.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE *(continued)*.

1	2	3	4	5	6	7
Section	Offence.	Whether the Police may arrest without warrant or not	Whether a warrant or a summons shall or ordinarily issue in the first instance.	Whether bailable or not	Punishment under the Indian Penal Code.	By what Court triable.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant .	Bailable	Imprisonment of either description for 3 years, or fine, or both.	Magistrate of the District.
209	False claim in a Court of Justice.	Ditto ...	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto ...	Ditto .	Ditto .	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure.	Ditto .	Ditto ...	Ditto ..	Ditto	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Ditto ...	Ditto ...	Ditto .	Imprisonment of either description for 7 years, and fine.	Court of Session.
212	Harbouring an offender if the offence be capital.	May arrest without warrant.	Ditto .	Ditto	Imprisonment of either description for 5 years, and fine.	Ditto.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto .	Ditto	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with imprisonment for 1 year, and not for 10 years.	Ditto	Ditto .	Ditto	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant	Ditto	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto	Ditto	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If with imprisonment for less than 10 years.	Ditto .	Ditto .	Ditto ...	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.

214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto ..	Ditto ..	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ..	Ditto ...	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto .	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for 1 year and not for 10 years.	Ditto .	Ditto .	Ditto .	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto .	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE *(continued)*.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ..	Bailable ...	Imprisonment of either description for 3 years, with or without fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ..	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
223	Escape from confinement negligently suffered by a public servant.	Ditto ..	Summons ..	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ..	Ditto ...	Ditto .	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
	If charged with a capital offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.

	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 10 years or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If under sentence of death.	Ditto ...	Ditto .	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
226	Unlawful return from transportation.	Ditto ...	Ditto ..	Ditto .	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Ditto.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ...	Ditto ...	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ..	Bailable ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions contained in chapter X of this Code.
229	Personation of a juror or assessor.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant ...	Not bailable ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
	If Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS *(continued)*.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
236	Abetting in India the counterfeiting out of British India of Coin.	May arrest without warrant.	Warrant ...	Not bailable ...	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit Coin, knowing the same to be counterfeit.	Ditto ..	Ditto ..	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
238	Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, and fine.	Ditto.
240	The same with respect to the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto ..	Ditto ...	Ditto ...	Ditto	Ditto.
245	Unlawfully taking from a Mint any coining instrument	Ditto ..	Ditto ...	Ditto ..	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto ..	Ditto ...	Ditto .	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.

247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Court of Session.
248	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Court of Session.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years, and fine.	Ditto.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years, and fine.	Court of Session.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
255	Counterfeiting a Government stamp.	Ditto	Ditto	Bailable	Imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
257	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto	Ditto	Ditto	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto	Ditto	Ditto	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto	Ditto	Ditto	Ditto	Ditto.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto	Ditto	Ditto	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
262	Using a Government stamp known to have been before used.	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

1	2	3	4	5	6	7
Section	Offence	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
263	Erasure of mark denoting that stamp has been used	May arrest without warrant.	Warrant .	Bailable	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.

CHAPTER XIII—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons	Bailable	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
265	Fraudulent use of false weight or measure.	Ditto	Ditto	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto .	Ditto ...	Ditto	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use	Ditto	Ditto ..	Ditto	Ditto . .	Ditto.

CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto	Ditto	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto .	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.

272	Adulterating food or drink for man intended for sale so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ..	Ditto ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto	Ditto ...	Fine of 500 rupees	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ..	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
281	Exhibition of a false light, mark, or buoy.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto ..	Ditto ...	Ditto ...	Fine of 200 rupees	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.

CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
286	So dealing with any explosive substance.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto .	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto	Ditto	Ditto .	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto ...	Ditto .	Ditto	Any Magistrate.
290	Committing a public nuisance.	Shall not arrest without warrant.	Ditto ...	Ditto .	Fine of 200 rupees	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto .	Ditto .	Simple imprisonment for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
292	Sale, &c., of obscene books, &c.	Ditto ...	Warrant ..	Ditto	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto ...	Ditto ...	Ditto .	Ditto	Ditto.
294	Obscene songs.	Ditto ...	Ditto .	Ditto ...	Ditto	Ditto.

CHAPTER XV—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto ...	Ditto ..	Ditto	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting life.

302	Murder.	May arrest without warrant.	Warrant ...	Not bailable ..	Death, transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ..	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot or a person intoxicated.	Ditto ...	Ditto ...	Ditto ...	Death, or transportation for life, or imprisonment for 10 years, and fine.	Ditto.
306	Abetting the commission of suicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
307	Attempt to murder.	Ditto ...	Ditto ...	Ditto ..	Ditto	Ditto.
	If such act cause hurt to any person.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above . .	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

Offences affecting life (continued).

1 Section	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If such act cause hurt to any person.	May arrest without warrant.	Warrant	Bailable ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
309	Attempt to commit suicide.	Ditto .	Ditto ...	Ditto ...	Simple imprisonment for 1 year, and fine.	Magistrate of the District.
311	Being a thug.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, and fine. ..	Court of Session.

Of the causing of Miscarriage; of injuries to unborn children; of the exposure of infants; and of the concealment of births.

312	Causing miscarriage.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child.	Ditto .	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto	Ditto ...	Not bailable ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto . .	Imprisonment of either description for 10 years, and fine.	Ditto.
	If act done without woman's consent.	Ditto . .	Ditto ..	Ditto . .	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto .	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
317	Exposure of a child under 12 years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto ..	Bailable ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.

318	Concealment of birth by secret disposal of dead body. ...	Ditto ...	Ditto .	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session or Magistrate of the District.

Of Hurt.

323	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons ..	Bailable .	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
325	Voluntarily causing grievous hurt.	Ditto ..	Ditto ...	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ..	Not bailable ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto .	Warrant ..	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
328	Administering stupefying drug with intent to cause hurt....	Ditto .	Ditto ...	Ditto ...	Ditto ..	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Ditto ...	Ditto .	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ..	Ditto ..	Bailable .	Imprisonment of either description for 7 years, and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ..	Imprisonment of either description for 10 years, and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto ..	Summons ...	Bailable ...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY *(continued)*.

Of Hurt (continued).

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons	Bailable ..	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, or Magistrate of the District.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto .	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

Of wrongful Restraint and wrongful Confinement.

341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any person.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.

345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret.	May arrest without warrant.	Ditto	Ditto .	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto	Warrant ...	Ditto .	Imprisonment of either description for 3 years, and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto	Ditto ..	Ditto	Ditto.

Of Criminal Force and Assault.

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons .	Bailable ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant :	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto	Ditto .	Ditto ..	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ..	Ditto ...	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant	Not bailable ...	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ..	Ditto ...	Bailable ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.

363	Kidnapping.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY *(continued)*.

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
364	Kidnapping or abducting in order to murder.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Ditto ...	Bailable ...	Ditto	Ditto.
371	Habitual dealing in slaves.	May arrest without warrant.	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	Ditto ...	Ditto	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto ...	[illegible]	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.

Of Rape.

376	Rape.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent, or vessel.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto...	Court of Session, or Magistrate of the District.
82	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years, and fine.	Court of Session.

Of Extortion.

384	Extortion.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY (continued.)

Of Extortion (continued).

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
386	Extortion by putting a person in fear of death or grievous hurt.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ..	Ditto ...	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ..	Ditto ...	Ditto .	Transportation for life	Ditto.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ...	Ditto ...	Ditto .	Transportation for life	Ditto.

Of Robbery and Dacoity.

392	Robbery.	May arrest without warrant.	Warrant ...	Not bailable .	Rigorous imprisonment for 10 years, and fine.	Court of Session, or Magistrate of the District.
	If committed on the highway between sunset and sunrise.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 14 years, and fine.	Ditto.
393	Attempt to commit robbery.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ..	Ditto ..	Ditto ..	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
395	Dacoity.	Ditto ..	Ditto ...	Ditto .	Ditto	Ditto.

396	Murder in dacoity.	May arrest without warrant.	Warrant ...	Not bailable ..	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto .	Ditto ...	Ditto ...	Rigorous imprisonment for not less than 7 years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ..	Ditto ..	Rigorous imprisonment for 10 years, and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ..	Ditto ...	Transportation for life, or as above ...	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ..	Ditto ...	Rigorous imprisonment for 7 years, and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ..	Ditto ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	Warrant .	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY (*continued*).

Of Criminal Breach of Trust (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
407	Criminal breach of trust by a carrier, wharfinger, &c.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the District.
408	Criminal breach of trust by a clerk or servant.	Ditto ..	Ditto ..	Ditto ..	Ditto	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant.	Ditto .	Ditto ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

Of the receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto .	Ditto ...	Ditto ..	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

Of Cheating.

417	Cheating.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either descripton for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
419	Cheating by personation.	Ditto ...	Ditto ..	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the District.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Mischief.

426	Mischief.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.

CHAPTER XVII—OFFENCES AGAINST PROPERTY *(continued)*.

Of Mischief (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Shall not arrest without warrant.	Warrant .	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
428	Mischief by killing, poisoning, maiming or rendering useless, any animal of the value of 10 rupees or upwards.	Ditto	Ditto	Ditto .	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming, or rendering useless, any elephant camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto .	Ditto ...	Ditto ..	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto ...	Ditto ..	Ditto	Ditto.
431	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto	Ditto ...	Ditto ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto	Ditto	Ditto ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto	Ditto ...	Ditto ..	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Ditto ...	Ditto ..	Imprisonment of either description for 1 year, or fine, or both	Magistrate of the District, or Subordinate Magistrate of 1st Class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards.	May arrest without warrant.	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.

436	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Ditto	Ditto	Not bailable	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto	Ditto	Ditto	Imprisonment of either description for 5 years, and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass.	May arrest without warrant.	Summons	Bailable	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass.	Ditto	Warrant	Ditto	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto	Ditto	Not bailable	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto	Ditto	Bailable	Imprisonment of either description for 2 years, and fine.	Any Magistrate.
	If the offence is theft.	Ditto	Ditto	Not bailable	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto	Ditto	Ditto	Ditto	Ditto.
453	Lurking house-trespass or house-breaking.	Ditto	Ditto	Ditto	Imprisonment of either description for 2 years, and fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY *(continued)*.

Of Criminal Trespass (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant ..	Not bailable ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the offence is theft.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ..	Ditto	Court of Session.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 5 years, and fine.	Ditto.
	If the offence is theft.	Ditto ..	Ditto .	Ditto ..	Imprisonment of either description for 14 years, and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto .	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property	Ditto ...	Ditto .	Bailable .	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ..	Ditto ..	Ditto .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery.	Shall not arrest without warrant.	Warrant ...	Bailable ..	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto ...	Ditto ..	Not bailable ..	Imprisonment of either description for 7 years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto ..	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto	Ditto ..	Ditto	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto .	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ..	Ditto ...	Punishment for forgery .	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto .	Not bailable ...	Ditto	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto .	Ditto .	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto ..	Ditto ..	Ditto	Ditto .	Ditto.

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS *(continued)*.

1	2	3	4	5	6	7
Section	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable
	If the document is a valuable security or will.	Shall not arrest without warrant.	Warrant ..	Not bailable	Transportation for life, or as above ...	Court of Session.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ..	Ditto ...	Ditto .	Ditto .. .	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ..	Ditto ..	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.

Of Trade and Property-Marks.

482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant	Warrant	Bailable	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ..	Ditto	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto .	Summons	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trademark.	Ditto .	Ditto	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

486	Knowingly selling goods marked with a counterfeit property or trademark.	Ditto ..	Ditto ...	Ditto .	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ..	Ditto ...	Ditto .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
488	Making use of any such false mark.	Ditto	Ditto ...	Ditto ...	Ditto	Ditto.
489	Removing, destroying, or defacing any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XIX—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons .	Bailable .	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
494	Marrying again during the life-time of a husband or wife.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 7 years, and fine.	Ditto.

CHAPTER XX—OFFENCES RELATING TO MARRIAGE *(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Shall not arrest without warrant.	Warrant ...	Not bailable ..	Imprisonment of either description for 10 years, and fine.	Court of Session.
496	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Ditto	Ditto .	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
497	Adultery.	Ditto ...	Ditto	Bailable ..	Imprisonment of either description for 5 years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto .	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER XXI—OF DEFAMATION.

500	Defamation.	Shall not arrest without warrant.	Warrant .	Bailable ...	Simple imprisonment for 2 years, or fine, or both.	Court of Session, or Magistrate of the District.
501	Printing or engraving matter knowing it to be defamatory.	Ditto .	Ditto .	Ditto ..	Ditto	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto .	Ditto .	Ditto ...	Ditto ...	Ditto.

CHAPTER XXII—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable .	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto	Ditto ..	Not bailable .	Ditto	Magistrate of the District.
506	Criminal intimidation	Ditto	Ditto	Bailable ..	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If threat be to cause death or grievous hurt, &c.	Ditto .	Ditto .	Ditto	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, or Magistrate of the District.

507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ..	Ditto .	Ditto .	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto .	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto	Ditto ...	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.

OFFENCES AGAINST OTHER LAWS.

If punishable with death, transportation, or imprisonment for seven years or upwards.	May arrest without warrant	Warrant .	Not bailable		Court of Session.
If punishable with imprisonment for more than three and less than seven years.	Ditto	Ditto	Ditto .	...	Court of Session, or Magistrate of the District.
If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons .	Bailable .		Magistrate of the District, or Subordinate Magistrate of 1st Class.
If punishable with fine only or with imprisonment for less than one year.	Ditto .	Ditto ..	Ditto		Any Magistrate.

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THE INCOME TAX ACT, 1869.

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ACT No. IX OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th March 1869).

An Act for imposing duties on Income and Profits arising from Offices, Property, Professions and Trades.

PART I.

PRELIMINARY.

Short title.

Commencement of Act.

1. This Act may be called "The Indian Income Tax Act," and shall come into operation on the first day of April 1869.

Repeal of Certificate Act.

2. Act No. IX of 1868 (*for taxing Professions and Trades*) is hereby repealed except as to taxes due under that Act.

Interpretation clause.

3. In this Act—unless there be something repugnant in the subject or context—

"Magistrate"

"Magistrate" means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the First Class, and includes a Magistrate of Police and a Justice of the Peace:

"Company."

"Company" means an association carrying on business in British India whose stock or funds is or are divided into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not:

"Firm"

"Firm" includes a Hindú undivided family:

"Person."

"Person" includes a firm:

"Defaulter."

"Defaulter" includes a firm making default under this Act:

"Year of assessment."

"Year of assessment" means a year commencing on the first day of April

In the

"Collector."

In the case of any Company or Municipal or other public Body or Association not being a Company, "Collector" means the Collector of Land Revenue of the place or district at or in which its principal place of business in British India is situate. And in the case of any person chargeable under this Act, "Collector" means the Collector of Land Revenue of the place or district at or in which such person resides.

Exemptions from Act.

4. Nothing in this Act applies to the pay and allowances of officers, warrant officers, non-commissioned officers and privates of Her Majesty's Forces or of Her Majesty's Indian Forces, who are not in Civil employment, when such pay and allowances do not exceed rupees 500 per mensem;

Or to any moveable or immoveable property solely employed for or dedicated to religious or charitable public purposes.

And no member of a firm which is for the time being chargeable under this Act shall, as such, be chargeable under this Act.

Power to exempt from Act.

5. The Governor General of India in Council may from time to time, by order, wholly exempt from the operation of this Act the whole or any part of the income and profits of any tribe or class of persons in British India.

The Governor General of India in Council may revoke any such order.

All orders and revocations made under this section shall be published in the *Gazette of India*.

PART II.

DUTIES ON OFFICES.

Duties on offices.

6. From the first day of April 1869, a duty of one per centum shall be levied in respect of every office or employment of profit in British India under Government or under a Company or a Municipal or other public Body or Association not being a Company, and upon every salary, annuity or pension paid in British India by Government or by a Company or by a Municipal or other public Body or Association not being a Company to any person residing in British India or serving on board a ship trading to and from British Indian ports, whether on account of himself or another person.

7. No

Exemption of incomes less than Rs. 41-10-8 per mensem.

7. No income amounting to less than rupees 41-10-8 per mensem shall be chargeable under this Part.

Provision as to Government officials.

8. In the case of every person holding any paid office, employment or commission under Her Majesty or under the Government of India, or under any Local Government, or receiving any annuity or pension from Her Majesty or any such Government,

the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

Provision as to servants of Companies and Municipalities.

9. In the case of every person holding a paid employment under or receiving any annuity or pension from any Company, or any Municipal or other public Body or Association not being a Company, the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Every such Treasurer or other officer shall, as soon as may be after making such deductions, pay to the credit of the Government of India, or as such Government shall from time to time direct, the amount of such deductions, and shall be answerable to such Government for such payment.

Every Company, public Body or Association, Treasurer or other officer as aforesaid is hereby indemnified for all deductions and payments made in pursuance of this section.

The Treasurer, Secretary or principal Agent or Manager of every such Company and public Body or Association shall prepare, and, on or before the thirtieth day of April in this and every subsequent year, deliver, to the Collector, in such form as may from time to time be prescribed by the Governor General of India in Council, a return in writing showing the names of every person holding at the date of the said return a paid employment under or receiving a pension or annuity from the Company or public Body or Association whose pay or pension or annuity as such amounts to Rs. 41-10-8 per mensem or upwards, together with the salaries, annuities or pensions payable by the Company or public Body or Association to all such persons respectively.

Part III.

PART III.

COMPANIES.

Provision as to Companies.

10. In this and every subsequent year the Treasurer, Secretary or principal Agent or Manager in India of every Company shall, in the case of a Shipping Company trading between British India and any other country, pay to Government the sum of one per centum on a moiety of the nett profits made by each of the ships of such Company engaged in such trade, during the year ending on the day on which the Company's accounts shall have been last made up,

and in the case of every other Company pay to Government one per centum on the whole of the nett profits made in British India by such Company during the year ending on the day on which the Company's accounts shall have been last made up;

and shall prepare, and, on or before the thirtieth day of April, deliver, to the Collector, a statement in writing signed by him showing the result of such accounts (if any).

In the case of any Company where no such accounts as are mentioned in this section have been made up within the year ending on the thirty-first day of March next before the year of assessment, the Treasurer, Secretary or principal Agent or Manager of such Company shall prepare, and, on or before the thirtieth day of April in such year, deliver to the Collector a return in writing signed by him and stating the nett profits made by such ships or by the Company (as the case may be) during the year ending on the thirty-first day of March next before the year of assessment.

Every such Treasurer, Secretary or principal Agent or Manager is hereby indemnified for all payments made in pursuance of this section.

PART IV.

DUTIES ON ALL OTHER INCOME AND PROFITS.

Duty on income not charged under Part II or III.

11. From the first day of April 1869, a yearly duty in accordance with schedule A to this Act annexed shall be levied upon all income and profits accruing and arising in British India and not chargeable under Part II or Part III of this Act.

12. The

Trustees, guardians and committees of incapacitated persons to be charged.

12. The trustee, guardian, curator, or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of such infant, married woman, lunatic or idiot, whether such infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot be chargeable under this Part, be chargeable with the said duty in like manner and to the same amount as would be charged to such infant if of full age, or to such married woman if she were sole, or to such lunatic or idiot if he were capable of acting for himself.

Non-residents charged in names of their agents.

Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income or profits chargeable under this Part, shall be chargeable in the name of such agent, in the like manner and to the like amount as he would be charged if resident in British India, and in actual receipt of such income or profits.

Trustees or agents of persons incapacitated or non-resident to furnish statements of income or profits with declaration.

13. Every such trustee, guardian, curator, committee or agent shall, when required by the Collector, deliver a statement signed by him, of the amount of the income or profits in respect whereof he is chargeable on account of such infant, married woman, lunatic, idiot or non-resident, together with a declaration of the truth of the statement.

Collector to determine persons chargeable.

14. The Collector shall from time to time determine what persons are chargeable under this Part, and the amount that every such person shall be assessed in accordance with the said Schedule; and in making such assessment income exempted under section seven shall be treated as chargeable under this Part.

Computation when assessee becomes chargeable within year.

15. In the case of a person for the first time becoming chargeable under this Part within the year of assessment, the computation shall be made according to an average of his income and profits for such period as the Collector shall, under the circumstances, direct.

Service of notice.

16. The Collector shall cause a notice to be served on every person chargeable under this Part, stating—

(1). The

(1).—The name and the profession, trade or other source of the income or profits of such person:

(2).—The year or portion of the year for which the duty is to be paid:

(3).—The place or places, district or districts, where his income or profits accrues or arise:

(4).—The amount to be paid;

and requiring him within fifteen days from the date of the service to pay such amount.

Officer to grant receipts.

17. Such amount shall be paid to the Collector, who shall grant a receipt for such payment to the person making the same:

Provided that, if such income or profits accrues or arise at or in more than one place or district, the receipt shall be granted and payment made by and to the Collector for the place or district at or in which the person mentioned in the notice resides, or (in the case of a firm) at or in which its principal place of business in British India is situate.

Every such receipt shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf, and such signature shall be judicially noticed.

Contents of receipt.

18. Every such receipt shall specify—

(1).—The name and source or sources of the income or profits of the person by or on whose behalf the duty is paid:

(2).—The year or portion of the year for which the duty is paid:

(3).—The amount paid, and the date of payment; and

(4).—The place or places, district or districts, where the income or profits accrues or arise; and shall be admissible as *primâ facie* proof of all matters contained therein.

Objection to assessment.

19 Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under this Part, may within the period mentioned in the said notice, or if the Collector is satisfied that the objector has not received such notice, then at any time within one month from the expiration of such period, apply by petition to the Collector in order to establish his right to have the assessment reduced or cancelled.

The

Petition of objector.

The petition shall be in the form contained in schedule B to this Act annexed, or as near thereto as circumstances admit: ~~it shall bear a stamp of eight annas,~~ and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints.

Whoever makes a statement in any such petition which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

Hearing of petition.

20. The Collector shall fix a day for the hearing of the petition, and, on the day so fixed, or on the day (if any) to which he has adjourned such hearing, shall hear such petition and pass his order thereon.

Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the petitioner's assessment to an amount to be specified in the order.

If the order be in favour of the petitioner, the Collector shall at once refund the value of the said stamp.

If the order simply reject the petition or reject the petition and enhance the petitioner's assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the said notice or in the order of enhancement (as the case may be).

Appeal from order on petition.

21. Any person dissatisfied with any order under section twenty may, within fifteen days from the date thereof, on payment of the sum in which he was assessed, or to which his assessment was enhanced, present an appeal in writing to the Commissioner of Revenue of the Division, whose decision upon such appeal shall be final.

Stamp on appeal.

Every appeal preferred under this section shall ~~bear a stamp of one rupee,~~ and shall be accompanied by a copy of the petition and the Collector's order thereon (both of which may be on unstamped paper), and all other documents (if any) connected with the case.

Return of stamp.

When the decision on such appeal is in favour of the appellant, the value of the stamp on his appeal, together with the excess paid by him, or (when the decision is that the petitioner is not chargeable under this Act), the whole sum so paid shall at once be refunded.

22. The

22. The Collector or Commissioner may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine how the petitioner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the sources of the petitioner's income or profits accruing or arising in British India.

Power to summon persons to give necessary information.

23. Whenever the Collector has reason to believe that, in assessing any person under this Act, any source of income or profits not specified in the receipt granted to him under section seventeen has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a further notice to be served on such person stating the amount to be paid in respect of such source, and the provisions contained in sections sixteen to twenty-two (both inclusive) shall apply to such notice and regulate the procedure thereunder.

Power to issue fresh notice.

PART V.

PENALTIES.

24. Every Treasurer, Secretary or principal Agent or Manager failing to make any payment or to prepare and deliver any return required by section nine,

Treasurers, &c., failing to make payments or deliver returns.

or failing to make any payment or to prepare and deliver any statement or return required by section ten,

and every trustee, guardian, curator, committee or agent failing to deliver any statement or declaration required by section thirteen,

Trustees, &c., failing to deliver statements or declarations.

shall for every day during which such default continues, be fined, on conviction before a Magistrate, ten rupees.

The Commissioner of the Division shall have power to remit wholly or in part any penalty imposed under this section.

25. If any person served with notice under section sixteen does not within the period specified in the said notice pay the amount required thereby, he shall, on conviction before a Magistrate, be

Failure to pay amount of assessment.

be fined twice the amount mentioned in such notice: Provided that he has not presented a petition under section nineteen.

If any such person presents a petition under section nineteen and does not, within one week from the passing of the order thereon, pay the amount, if any, required by such order, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such order.

Grant of receipt on recovery of fine.

On the recovery of the fine from the person so convicted, the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the fine, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

Mode of recovering fines.

26. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras or Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm or to all or any of the members thereof.

Prosecution to be at instance of Collector.

27. No person shall be proceeded against for any offence under section twenty-four or section twenty-five except at the instance of the Collector.

Sections 193 and 228 of Penal Code to apply to proceedings under this Act.

28. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

PART VI.

PAYMENT.

Tax when payable.

29. All taxes under this Act, except when they are deducted under section eight or section nine, shall be payable on the first day of April in each year:

Instalments.

Instalments.

Payment by instalments.

Provided that, in every case where the amount so payable equals or exceeds rupees twenty-four, it may be paid in each year by two equal instalments: the first instalment to be paid on some day not later than fifteen days after service of the notice mentioned in section sixteen upon the person paying the same, and the second instalment on the first day of October.

Death or insolvency of person paying first instalment.

30. When any person pays only such first instalment, and, between the first day of April and the second day of October, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade (if any) in respect of the profits arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, the amount of the second instalment shall not be claimable.

Firm paying first instalment and dissolving partnership or becoming insolvent.

When any firm pays only such first instalment, and, between the first day of April and the second day of October, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of its property in trust for the benefit of its creditors, the amount of the second instalment shall not be claimable.

Death or insolvency of person paying whole amount.

31. When any person pays the whole amount as aforesaid, and, between the first day of April and the second day of October, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade in respect of the profits arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, one moiety of such amount shall be paid to his representative or himself or his assignee, as the case may be.

Firm paying whole amount and dissolving partnership or becoming insolvent.

When any firm pays the whole amount as aforesaid, and, between the first day of April and the second day of October, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of its property in trust for the benefit of its creditors, one moiety of such amount shall be repaid under such rules as the Governor General of India in Council shall from time to time prescribe.

32. If

Recovery of second instalment.

32. If the Collector has caused a notice to be served on any person liable to pay the said second instalment and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so served does not within that period pay such amount as required by the said notice, he shall, on conviction before a Magistrate, be fined twice the amount so mentioned.

Recovery under Revenue-law.

Optional recovery under revenue-law.

33. In any case of default under this Act arising outside the local limits of the towns of Calcutta, Madras or Bombay, the Collector may, if he thinks fit, and if the notice mentioned in section sixteen, twenty-three, or thirty-two (as the case may be) has been served on the defaulter, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land revenue.

On the recovery of such amount from the defaulter, the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the amount, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

Deductions of certain payments under Act IX of 1868.

34. A deduction equivalent to the amount paid by any person under the said Act No. IX of 1868, section five, for the month of April 1869, shall be made from the first payment by such person under Part IV of this Act.

Payment of Taxes and Fines.

Payment of taxes levied and fines recovered under this Act.

35. All taxes levied and all fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

PART VII.

MISCELLANEOUS.

Powers of Collector and Commissioner under this Act may be exercised by other officers.

36. All or any of the powers and duties conferred and imposed by this Act on a Collector and on a Commissioner of Revenue may be exercised and performed by such other officers or persons as the Local Government shall from time to time appoint in this behalf.

37. Service

37. Service of any notice under this Act shall be made by delivering or tendering a copy thereof under the signature of the Collector.

Service of notices.

Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof.

When such person or member cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person or firm therein named ordinarily dwells or carries on business.

38. When any Company or firm has several places of business in the territories subject to different Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and, when any Company has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

Power to declare principal place of business

When any Company or firm has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

When any person has several places of residence in the territories subject to different Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence, and when any person has several places of residence in the territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence.

Power to declare residence

The powers given by this section may be delegated to and exercised by such officers as the Governor General of India in Council or the Local Government, as the case may be, shall from time to time appoint in this behalf.

39. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement, and may delegate to any Local Government the power given by this section so far as regards the territories subject to such Government.

Governor General in Council empowered to make rules.

Schedule A.

ACT No. IX OF 1869.

SCHEDULE A.

Persons whose annual income or profits shall be assessed at not less than	...	Rs.	500	but at less than	Rs.	750	shall pay	Rs.	6	0	0
Ditto ditto	...	„	750	„ „	„	1,000	„	„	8	8	0
Ditto ditto	...	„	1,000	„ „	„	1,500	„	„	12	0	0
Ditto ditto	...	„	1,500	„ „	„	2,000	„	„	17	0	0
Ditto ditto	...	„	2,000	„ „	„	3,000	„	„	24	0	0
Ditto ditto	...	„	3,000	„ „	„	4,000	„	„	34	0	0
And for every additional Rs. 1,000 of annual income or profits or fractional part thereof so long as the whole amount assessed is less than Rs. 10,000	...		...	shall pay an additional duty of				Rs.	10	0	0
Persons whose annual income or profits shall be assessed at not less than	...	Rs.	10,000	but at less than	Rs.	12,500	shall pay	Rs.	110	0	0
Ditto ditto	...	„	12,500	„ „	„	15,000	„	„	135	0	0
And for every additional Rs. 2,500 of annual profits or fractional part thereof so long as the whole amount assessed is less than Rs. 1,00,000	...		...	shall pay an additional duty of				Rs.	25	0	0
Persons whose annual income or profits shall be assessed at not less than	...	Rs.	1,00,000	but at less than	Rs.	1,10,000	shall pay	Rs.	1,040	0	0
Ditto ditto	...	„	1,10,000	„ „	„	1,20,000	„	„	1,140	0	0
And for every additional Rs. 10,000 of annual income or profits or fractional part thereof	...		...	shall pay an additional duty of				Rs.	100	0	0

Schedule B.

SCHEDULE B.

Form of Petition under section 19.

Stamp
eight annas.

TO THE COLLECTOR OF

The *day of* 186 .

The petition of *A. B.* of

SHEWETH—

1*st*.—That under the Indian Income Tax Act your petitioner has been assessed in the sum of rupees *eight*, annas *eight* for the year commencing the first day of April 186

2*nd*.—That your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits and the place or places at which such income or profits accrues or arise*] for the year ending the thirty-first day of March last were rupees
as will appear from the documents marked presented herewith, and to which your petitioner craves leave to refer.

3*rd*.—That your petitioner has no other source of income or profits; and has no reason to believe that his income and profits during the year commencing the first day of April 186 will exceed the said sum of rupees

Your petitioner therefore prays that he may be assessed accordingly, and that the value of the stamp on this petition may be refunded [*or* that he may be declared not to be chargeable under the said Act, and that the value of the stamp on this petition may be refunded.]

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

Office Supdt. Govt Printing—No. 11863 L. C—24-3-99.—5,000.

ACT No. X OF 1869. *Repealed by Act XII of*

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th March 1869).

An Act to abolish the Police Superannuation Funds.

Preamble

WHEREAS a Fund called "The Police Superannuation Fund" has been formed under Act No. XXIV of 1859 (*for the better regulation of the Police within the territories subject to the Presidency of Fort Saint George*), section twelve; and whereas similar Funds have been formed under Act No. V of 1861 (*for the regulation of Police*), section eleven, and under the Act of the Governor of Bombay in Council, No. VII of 1867 (*for the regulation of the District Police in the Presidency of Bombay*), section twelve; and whereas it is expedient to abolish the said Funds and to transfer to the Government of India the securities and monies at the credit of such Funds respectively; It is hereby enacted as follows:—

Repeal of enactments establishing Funds.

1. The said sections shall be repealed from such day as the Governor General of India in Council shall, by notification in the *Gazette of India*, direct in this behalf.

Transfer to Government of sums at credit of Funds

2. All securities and sums of money which, on the said day, shall be standing at the credit of the said Funds respectively, shall be transferred and paid to the Government of India for the general purposes of government.

PRICE TWO ANNAS.

ACT No. XI of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th March 1869).

An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.

Short title.

Extent of Act.

1. This Act may be called the "Land Customs (Madras and Bombay) Act, 1869," and extends only to the territories for the time being respectively subject to the Governor of Fort St. George in Council and the Governor of Bombay in Council.

Repeal of enactments.

2. Act No. VI of 1844 *(for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort St. George)*, sections 7 and 16, and Act No. XXIX of 1857 *(to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay)*, section 3, are hereby repealed.

Duties on frontiers of foreign European settlements.

3. Duties of customs shall be levied on goods passing by land into, or out of, foreign European settlements situate on the lines of coast within the limits of the said territories at the rates prescribed in the schedules to Act No. XVII of 1867 *(to amend the law relating to Customs Duties)*, or any other law for the time being in force relating to the duties of customs on goods imported and exported by sea.

Duties on frontiers of Native States.

4. The Local Government may declare, by notification in the official Gazette, that the territory of any Native Chief not subject to the jurisdiction of the courts and civil authorities of the territories under such Government, shall be deemed for the purposes of this Act to be foreign territory; and may declare goods passing into or out of such territory liable to the duties specified in the ~~schedules to the said Act~~

PRICE TWO ANNAS.

Act No. XVII of 1867, or any other law for the time being in force relating to the duties of customs on goods imported and exported by sea; and goods so passing shall thereupon be liable to the duties aforesaid.

Application of provisions as to duties and goods.

5. So far as regards the territories subject to the Governor of Fort St. George in Council, the unrepealed provisions of the said Act No. VI of 1844, and so far as regards the territories subject to the Governor of Bombay in Council, the unrepealed provisions of the said Act No. XXIX of 1857, relating to the levy of duties and to dutiable goods shall, *mutatis mutandis*, apply to duties levied and goods liable to duty under or by virtue of this Act.

Office Supdt. Govt. Printing.—No. 11656 L. C.—9-4-69.—2700.

Rep. by Act XVII of

ACT No. XII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th March 1869).

An Act to amend the law relating to Customs Duties.

Power to assess value of dutiable goods.

1. Notwithstanding anything contained in the Indian Customs Duties' Act, 1867, it shall be lawful for the Governor General of India in Council from time to time, by notification in the *Gazette of India*, to fix for the purposes of that Act the value of any goods imported or exported by sea on which duties of customs are thereby imposed.

This Act to be read with Act XVII of 1867.

2. This Act shall be read with and taken as part of the Indian Customs Duties' Act, 1867.

PRICE TWO ANNAS.

ACT No. XIII of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th March 1869).

An Act further to amend the Procedure of the High Court of Judicature for the North-Western Provinces.

Preamble.

WHEREAS it is expedient to amend the Procedure of the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William; It is hereby enacted as follows:—

Power to try Native together with European British subject.

1. In any case before the said High Court in which an European British subject is charged jointly with a person not being an European British subject, a jury may be empanelled for the trial of both persons so charged, and they may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately.

In any case before the said High Court in which an European British subject is charged jointly with a person not being an European British subject, and the former, before the jury is empanelled, requires the majority of the jurors to consist of Europeans or Americans, or both Europeans and Americans, the latter person shall be tried together with the former, and the procedure on the trial shall be the same as it would have been had the former been tried separately:

Proviso.

Provided that, in any such case, where the person not an European British subject so requires before the said jury is empanelled, he shall be tried separately by a jury of which at least one-half shall consist of persons not being Europeans or Americans.

2. The

PRICE TWO ANNAS.

ACT No. XIII OF 1869.

2. The operation of sections 198 ~~and 364~~ of the Code of Criminal Procedure is hereby suspended in the said High Court, and in any case coming before the Court in the exercise of its ordinary or its extraordinary original criminal jurisdiction, the Judges of such Court shall take down the evidence or the substance thereof in such manner as the Court shall, by any general rule, from time to time direct.

Suspension of sections 198 and 364 of Code of Criminal Procedure.

3. Whenever any petition, application or motion is made in any matter coming before the said Court in the exercise of its civil, criminal or other jurisdiction, the Court shall have power to award and apportion costs in any manner it may think fit.

Power to award costs on petitions, &c.

4. Whenever the Court shall require the statements in support of any such petition, application or motion to be verified by a declaration in writing, the person making such verification shall, if any such statement is false, and if he either knows or believes it to be false, or does not believe it to be true, be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

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Office Supdt. Govt. Printing.—No. 11786 L. C.—6-4-60—3000

THE BOMBAY COURTS' ACT.

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ACT No. XIV of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th March 1869).

An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to the District and other subordinate Civil Courts in the Presidency of Bombay; It is hereby enacted as follows:—

PART I.—*Preliminary.*

Short title
Extent of Act.

1. This Act may be called "The Bombay Civil Courts' Act, 1869," and extends only to the territories (other than Sind) under the Government of the Governor of Bombay in Council in which the Code of Civil Procedure is now in force. But the Governor of Bombay in Council may, by notification in the Government Gazette, extend this Act to any other of the territories under such Government in which the said Code is not in force, or to Sind.

Repeal of enactments.

2. The Regulations and Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: provided that the constitution of the present Zilas and the position of the present Sadr stations shall not be affected by such repeal.

PART II.—*Districts and Sadr Stations.*

Alteration and creation of Districts

3. The Governor of Bombay in Council may from time to time, by notification in the Government Gazette, alter the limits of existing Zilas (which shall hereafter be called Districts) and create new Districts for the purposes of this Act.

4. The

Position of Sadr station.

4. The Governor of Bombay in Council may also from time to time, by notification in the Government Gazette, alter the position of the Sadr station in any District, and fix the position of the Sadr station in any new District.

PART III.—*District Courts.*

District Judges.

5. There shall be in each District a District Court presided over by a Judge to be called the District Judge. He shall be appointed by the Governor of Bombay in Council by whose authority only he shall be liable to be suspended or removed from his appointment.

First District Judges.

The present Zila Judges shall be the first District Judges under this Act.

Situation of District Court.

6. The District Judge shall ordinarily hold the District Court at the Sadr station in his District, but may, with the previous sanction of the High Court, hold it elsewhere within the District.

Original jurisdiction of District Judge.

7. The District Court shall be the principal Court of original civil jurisdiction in the District, within the meaning of the Code of Civil Procedure.

His appellate jurisdiction.

8. Except as provided in sections sixteen, seventeen and twenty-six, the District Court shall be the Court of Appeal from all decrees and orders passed by the Subordinate Courts from which an appeal lies under any law for the time being in force.

Control and inspection of Courts.

9. The District Judge shall have general control over all the Civil Courts and their establishments within the District, and it shall be his duty to inspect, or to cause one of his Assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary. The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

Writs and orders.

10. The District Judge shall obey all writs, orders, or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court

as

as the exigencies of the case require. He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the Governor of Bombay in Council.

Reports and returns.

11. The District Judge shall use a circular seal two inches in diameter, which shall bear thereon the Royal Arms with the following inscription in English and the principal language of the District—" District Court of ."

Seal of District Judge.

PART IV.—*Joint Judges.*

12. The Governor of Bombay in Council may, with the previous sanction of the Governor General of India in Council, appoint in any District a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court.

Power to appoint Joint Judges.

When the appointment of a Joint Judge shall have been sanctioned by the Governor General of India in Council, the Governor of Bombay in Council may, so long as such sanction continues in force, appoint a successor to such Joint Judge in case his office becomes vacant, or transfer such Joint Judge from one District to another ; and in such other District the Joint Judge so transferred shall have the same powers as he had in the former District.

Enactments applying to District Judge to apply to Joint Judge.

Joint Judge's seal.

13. All Regulations and Acts now or hereafter in force and applying to a District Judge shall be deemed to apply also to the Joint Judge ; and the seal of the Joint Judge shall be the same as is used by the District Judge.

PART V.—*Assistant Judges.*

14. The Governor of Bombay in Council, under the general control of the Governor General of India in Council, may appoint one or more Assistants to the District Judge, and may suspend or remove from his appointment any Assistant so appointed.

Power to appoint Assistant Judges.

The present Assistant Judges shall be the first Assistant Judges under this Act.

15. An

15. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the District, whenever the District Judge shall, with the previous sanction of the High Court, direct him so to do.

Situation of Assistant Judge's Court.

16. The District Judge may refer to any Assistant Judge subordinate to him original suits of which the subject-matter does not amount to ten thousand rupees in amount or value, and miscellaneous applications not being of the nature of appeals. The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications. Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge or to the High Court according as the amount or value of the subject-matter does not exceed or exceeds five thousand rupees.

Original jurisdiction of Assistant Judge

The Assistant Judge shall, when directed by the District Judge so to do, also take evidence on applications for certificates under Bombay Regulation VIII of 1827 (*to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts*), Act No. XXVII of 1860 (*for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons*), and Act No. XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), and shall forward it with his opinion thereon for the final orders of the District Judge.

17. The Governor of Bombay in Council may, by notification in the Government Gazette, empower any Assistant Judge to try such appeals from the decrees and orders of the subordinate Courts as would lie to the District Judge and as may be referred by him to the Assistant Judge.

Appellate jurisdiction of Assistant Judge.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

18. A person filling the office of Assistant Judge, on whom the power of hearing appeals has once been conferred under section seventeen, shall continue to have this power so long and so often as he may fill the office of Assistant Judge, without reference

Continuance of Assistant Judge's appellate jurisdiction.

to the District in which he may be employed ; provided that the Governor of Bombay in Council may, by notification in the Government Gazette, at any time withdraw such power.

Power to invest Assistant Judge with powers of District Judge.

19. The Governor of Bombay in Council may, by notification in the Government Gazette, invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a District, and may, by like notification, from time to time determine and alter the limits of such part.

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the Governor of Bombay in Council, and may, with the previous sanction of the High Court, hold it at any other place within such limits.

Assistant Judge to use seal of District Judge.

20. Every Assistant Judge shall use the seal of the District Judge to whom he is Assistant.

PART VI.—*Subordinate Judges.*

Number of Subordinate Civil Courts.

21. There shall be in each District so many Civil Courts subordinate to the District Court as the Governor of Bombay in Council, acting under the general control of the Governor General of India in Council, shall from time to time direct.

Appointment of Subordinate Judges.

22. The Judges of such subordinate Courts shall be appointed by the Governor of Bombay in Council, and shall be called Subordinate Judges.

No person shall be appointed a Subordinate Judge unless he be a subject of the Queen who has practised five years as an Advocate of a High Court in India or as a Vakíl in the High Court of Judicature in Bombay, or who has qualified for the duties of a Subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay.

The tests so prescribed by the High Court shall be notified in the Government Gazette.

23. The

Situation of Subordinate Courts.

23. The Subordinate Judges shall hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local limits of their respective jurisdictions. Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Subordinate Judge shall hold his Court at each of such places, and the Subordinate Judge shall cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one Subordinate Court; and in such cases the District Judge shall, subject to the control of the High Court, prescribe rules for regulating the time during which the Subordinate Judge shall sit in each Court.

The Judge of any Subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file.

Classes of Subordinate Judges.

24. The Subordinate Judges shall be of two classes.

Jurisdiction of Subordinate Judge of first class.

The jurisdiction of a Subordinate Judge of the first class extends to all original suits and proceedings of a civil nature.

Jurisdiction of Subordinate Judge of second class.

The jurisdiction of a Subordinate Judge of the second class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value five thousand rupees.

Special jurisdiction of Subordinate Judge of first class.

25. A Subordinate Judge of the first class, in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature wherein the subject-matter exceeds five thousand rupees in amount or value as may arise within the local jurisdictions of the Courts in the District presided over by Subordinate Judges of the second class.

In Districts to which more than one Subordinate Judge of the first class have been appointed, the District Judge, subject to the orders of the High Court, shall assign to each the local limits within which his said special jurisdiction is to be exercised.

26. In

26. In all suits decided by a Subordinate Judge of the first class in the exercise of his ordinary and special original jurisdiction of which the amount or value of the subject-matter exceeds five thousand rupees, the appeal from his decision shall be direct to the High Court.

Appeals from his decision.

27. The Governor of Bombay in Council may invest any Subordinate Judge of the first class with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the District.

Appellate jurisdiction of Subordinate Judge of first class.

Decrees and orders so passed in appeal by a Subordinate Judge of the first class shall have the same force as if passed by a District Judge.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

28. The Governor of Bombay in Council may invest, within such local limits as he shall from time to time appoint, any Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second class with the same jurisdiction up to the amount of fifty rupees.

Power to invest Subordinate Judges with small cause powers.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

29. Each Subordinate Judge shall use a seal one inch and a half in diameter, bearing the Royal Crown with the following inscription in English and the principal language of the District—"Subordinate Judge of ."

Seal of Subordinate Judge.

30. The present Principal Sadr Amíns shall be the first Subordinate Judges of the first class, and (subject to any alteration of the limits of their ordinary local jurisdiction which may from time to time be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the first class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Principal Sadr Amíns.

First Subordinate Judges of first class.

The

The present Sadr Amíns and Munsifs shall be the first Subordinate Judges of the second class, and (subject to any alteration of the limits of their local jurisdiction which may from time to time be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the second class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Munsifs.

First Subordinate Judges of second class.

31. Every Court of a Subordinate Judge under this Act shall have the same jurisdiction over all proceedings pending in the Court for which it shall have been substituted as the Principal Sadr Amín, Sadr Amín, or Munsif (as the case may be) of such Court would have had if this Act had not been passed.

Pending proceedings.

32. No Subordinate Judge shall receive or register a suit in which Government or any officer of Government in his official capacity is a defendant, but he shall refer the party presenting the plaint in such suit to the District Judge, in whose Court alone such suit shall be instituted.

Reference of Government suits.

Removal or suspension.

33. Whenever the High Court is of opinion that there are good grounds for making a formal and public enquiry into the truth of any imputation of misconduct by any Subordinate Judge, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an enquiry, and on the receipt of his or their report may order that the Subordinate Judge be removed or suspended from office, or reduced to a lower class.

Commission of enquiry into alleged misconduct.

The provisions of Act No. XXXVII of 1850 (*for regulating enquiries into the behaviour of public servants*) shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

34. The High Court may suspend any Subordinate Judge from office pending the result of an enquiry into his behaviour under this section.

Suspension of Subordinate Judges by High Court or District Judge.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Subordinate Judge under his control. But whenever the

the District Judge suspends any such Subordinate Judge, he shall forthwith report the case for the orders of the High Court.

Saving of power of Government to suspend or dismiss.

Nothing in this section or in section thirty-three shall be held to interfere with the right of Government to suspend, or remove from office, any Subordinate Judge at their discretion.

PART VII.—*Temporary vacancies.*

Temporary vacancy of office of District Judge.

35. In the event of the death of the District Judge or of his being prevented from performing his duties by illness or other casualty, or of his absence from his District on leave, the first in rank of the Assistant Judges in the District, or in the absence from the District of an Assistant Judge the first in rank of the Subordinate Judges, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated Assistant Judge or Subordinate Judge, as the case may be, in charge of the District, and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

Delegation of powers of District Judge.

36. Any District Judge leaving the Sadr station and proceeding on duty to any place within his District, may delegate to an Assistant Judge, or in the absence of an Assistant Judge to a Subordinate Judge at the Sadr station, the power of performing such of the duties enumerated in section thirty-five as may be emergent; and such officer shall be designated Assistant or Subordinate Judge, as the case may be, in charge of the Sadr station.

Temporary vacancy of office of Subordinate Judge.

37. In the event of the death, suspension or temporary absence of any Subordinate Judge, the District Judge may empower the Judge of any Subordinate Court of the same District to perform the duties of the Judge of the vacated Subordinate Court, either at the place of such Court or of his own Court; but in every such case the Registers and Records of the two Courts shall be kept distinct.

PART VIII.—*Ministerial Officers.*

Appointment, &c., of ministerial officers.

38. All ministerial officers of the Civil Courts in each District shall be appointed, and may be fined, suspended or dismissed by the District Judge, subject to such rules as the High Court may from time to time prescribe.

Provided

Provided that the Judge of every Subordinate Court may, subject to the like rules, appoint the ministerial officers of such Court, whose salaries do not exceed rupees ten per mensem, and may by order fine, suspend or dismiss any ministerial officer of such Court who is guilty of any misconduct or neglect in the performance of the duties of his office. Every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Duties of ministerial officers.

39. The duties of the said ministerial officers shall be regulated by such rules as the High Court may from time to time prescribe.

Power to appoint Clerks of the Courts.

40. The Governor of Bombay in Council may, under the general control of the Governor General of India in Council, appoint to any Civil Court under this Act a Clerk of the Court who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

PART IX.—*Miscellaneous.*

Rules for keeping proceedings.

41. The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

Fees for process.

42. The High Court shall from time to time, with the sanction of the Governor of Bombay in Council, prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court.

Tables of the fees so prescribed shall be published in the Government Gazette.

43. The

43. The District and Subordinate Courts shall sit from day to day, except on Sundays, New Year's Day, Good Friday, Christmas Day, and Her Majesty's Birth Day, and such other days as may be sanctioned for each or every District by the High Court.

Sittings of Courts.

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year.

Vacation

ACT No. XIV of 1869.

SCHEDULE.

Enactments repealed.

I.—Bombay Regulations.

No. of Regulation	Title of Regulation.	Extent of Repeal.
1 of 1827	A Regulation for forming into a regular Code all Rules that may be enacted for the internal government of the Territories subordinate to the Presidency of Bombay.	Sections 1 to 7 both inclusive.
II of 1827	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges, and Officers thereof.	The preamble, and so much of chapters III and IV as has not been repealed; and chapter II except so much of section XXI as refers to the interference of the Civil Courts in caste questions.
III of 1827	A Regulation containing provisions as to the official proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and the grant of copies of papers on their records.	The whole.
IV of 1827	A Regulation prescribing the forms of proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the trial of the same.	The preamble and sections 24, 27 and 72, clause 4.
XXIX of 1827	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Deccan and Khandesh	Section 7.
XXXI of 1827	A Regulation to explain the principles on which the introduction of the revised Code of Regulations is to be effected	The whole.
I of 1830	A Regulation rescinding Regulation VII of 1828, and extending the jurisdiction of Native Commissioners to the cognizance of all original suits of whatever amount.	The whole.
VII of 1831	A Regulation for modifying the Rules under which appeals in Civil Suits are to be admitted.	The whole.
XVIII of 1831	A Regulation for instituting gradations of rank in the judicial appointments conferred on Natives, and defining the authority to be exercised by each rank.	The whole.
II of 1833	A Regulation for vesting Judicial Native Commissioners with authority to try civil actions in any part of a zillah to which they stand appointed.	The whole.
VI of 1834	A Regulation providing for the occasional adjournment of the Courts of Civil Judicature under the Presidency of Bombay.	The whole.

II.—Acts.

No. of Act.	Title of Act.	Extent of Repeal.
IX of 1844	An Act for authorizing the institution of suits in the Courts of Principal Sudder Ameens and Sudder Ameens.	The whole Act as far as it relates to the Bombay Presidency.
XXIX of 1845	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as refers to Joint Zillah Judges.

Office Supdt. Govt. Printing.—No. 1189 L. C.—16-5-69.—3400.

THE PRISONERS' TESTIMONY ACT, 1869.

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20. Power to declare who shall be deemed 'officer in charge of jail.'
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ACT No. XV of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th June 1869.)

An Act to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them.

Preamble.

WHEREAS it is expedient to provide facilities for obtaining the evidence and appearance in Court of prisoners and for service of process upon them; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The Prisoners' Testimony Act, 1869."

Presidency Small Cause Courts.

Police Magistrates.

2. For the purposes of this Act, the Courts of Small Causes established within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, and the Courts of persons exercising the powers of a Magistrate of Police within the same limits, shall be deemed to be respectively subordinate to the said High Courts.

PART II.

BRINGING UP PRISONERS.

Criminal Courts may make orders under Act.

3. Any Criminal Court not inferior to the Court of a Subordinate Magistrate of the first class may in its discretion, if it appear that the testimony of any person confined in any jail situate within the local limits of its appellate jurisdiction, if the Criminal Court be a High Court, or, if it be not a High Court, then

then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter depending in such Criminal Court, or if a charge of an offence against such person is made or pending, make an order in the form in schedule A or schedule B (as the case may be) to this Act annexed, directed to the officer in charge of the said jail.

Civil Courts may make orders under Act.

4. Any Civil Court may in its discretion, if it appear that the testimony of any person confined in any jail situate within the local limits of its appellate jurisdiction, if the Civil Court be a High Court, or, if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter depending in such Civil Court, make an order in the form in the said schedule A, directed to the officer in charge of the said jail.

Court to countersign orders.

5. When such order is made in any civil matter pending in a Court subordinate to the Court of the District Judge, or in any Court of Small Causes situate outside the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William in Bengal, Madras and Bombay, it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until the same shall have been submitted to, and countersigned by, such Judge, or the District Judge within the local limits of whose jurisdiction such Court of Small Causes is situate.

Statement of facts necessitating order.

Every order so submitted shall be accompanied by a statement under the hand of the Judge of the facts which in his opinion render such order necessary, and the District Judge may, after considering such statement, decline to countersign the order.

Order to be transmitted through Magistrate of the District in which the person is confined.

6. When any person for whose attendance an order as hereinbefore mentioned shall be made is confined in any District other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it shall have been made or countersigned to the Magistrate of the District or division of a District in which the said person is confined, and such Magistrate shall cause it to be delivered to the officer in charge of the jail in which such person is confined.

7. In

Order by High Court for removal of person confined more than 100 miles from place where his evidence is required.

7. In any case in which a person is confined in a jail within the local limits of the ordinary original civil jurisdiction of any of the High Courts of Judicature at Fort William, Madras and Bombay, or in a jail more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, the Judge or presiding officer of the Court in which the evidence is so required shall, if he think it expedient that such person should be removed under this Act for the purpose of giving evidence in such Court, and if the said jail is situate within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the same High Court, and such High Court may, if it think fit, make an order in the form in the said schedule A, directed to the officer in charge of the said jail.

The High Court making the order shall send it to the Magistrate of the District or division of a District in which the person named therein is confined, and such Magistrate shall cause the order to be delivered to the officer in charge of the jail in which such person is confined.

For the purposes of this section and sections three and four, the Chief Commissioner of British Burma shall be deemed to be a High Court: the Court of a Recorder ~~appointed under~~ Act No. XXI of 1869 shall be deemed to be subordinate to the said Chief Commissioner; and every jail situate in British Burma shall be deemed to be situate within the local limits of the said Chief Commissioner's appellate jurisdiction.

Persons confined beyond limits of appellate jurisdiction of High Court.

8. In any case in which a person is confined within a jail situate beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he think it expedient that such person should be removed under this Act, for the purpose of giving evidence in any criminal matter in such Court or in any Court subordinate thereto, apply in writing to the Local Government within the territories subject to which the said jail is situate; and such Government may, if it think fit, direct that such person shall be so removed, subject to such rules regulating the escort of such prisoners as the Governor General of India in Council may from time to time prescribe.

To

To obtain the removal of a person confined in a jail situate beyond the territories for the time being under the administration of the Chief Commissioner of British Burma for the purpose of giving evidence in any criminal matter in the Court of a Recorder ~~appointed~~ under ~~the said Act No. XXI of 1863~~, such Recorder shall have the power conferred on a Judge of a High Court by the former part of this section, and the other provisions of such part shall, *mutatis mutandis*, apply.

Prisoner to be brought up.

9. Upon delivery of any order under this Act to the officer in charge of the jail in which the person named therein is confined, such officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in such Court at the time in such order mentioned; and shall cause him to be detained in custody in or near the Court until he shall have been examined or until the Judge or presiding officer of such Court shall authorize him to be taken back to the jail in which he was confined.

Power to Government to exempt certain prisoners from operation of Act.

10. The Governor General of India in Council or the Local Government may, from time to time, by notification in the official Gazette, direct that any person or any class of persons shall not be removed from the jail in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Act, other than those contained in sections twelve, thirteen and fourteen, shall not apply to such person or class of persons.

When jailor may disobey orders.

11. When any person named in any order made under section three, section four, or section seven appears to be from sickness or other infirmity unfit to be removed, the officer in charge of the jail in which he is confined shall apply to the Magistrate of the District or division of a District in which such jail is situate, and if such Magistrate shall by writing under his hand declare himself to be of opinion that such person is from infirmity unfit to be removed;

or when any person named in any such order is under committal for trial;

or under a remand pending trial or pending a preliminary investigation;

or

or when any such person is in custody for a period which would expire before the expiration of the time required for removing him under this Act and for taking him back to the jail in which he is confined;

then and in every such case the officer in charge of the jail shall abstain from obeying such order, and shall send to the Court from which the order has been issued, a statement of his reason for not obeying the same:

Provided that the said officer shall not so abstain when

the order has been made under section three,

and the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be from sickness or other infirmity unfit to be removed,

and the place where his evidence is required is not more than five miles distant from the jail in which he is confined.

PART III.

Commissions.

Commission for examination of prisoners.

12. Whenever it shall appear to any Civil Court that the evidence of a person confined in any jail situate within the local limits of the appellate jurisdiction of such Court, if it be a High Court, or if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who for any of the causes mentioned in section ten or section eleven cannot be brought up before it, is material in any matter depending before such Court,

and whenever it shall appear to any such Court that the evidence of a person confined in any jail so situate and more than ten miles distant from the place at which such Court is held, is material in any such matter,

and in any case in which the District Judge shall under section five have declined to countersign the order for removal,

the

the Court may, if it think fit, issue a commission under the provisions of the Code of Civil Procedure for the examination of such person in the jail in which he is confined.

Commission for examination of prisoners beyond limits of appellate jurisdiction of High Court.

13. Whenever it shall appear to any High Court that the evidence of a person confined in a jail situate beyond the local limits of its appellate jurisdiction is material in any civil matter depending before such Court, or before any Court subordinate thereto, the High Court may, if it think fit, issue a commission under the provisions of the Code of Civil Procedure for the examination of such person in the jail in which he is confined.

Commission how to be directed.

14. Every commission issued under section twelve or section thirteen shall be directed to the District Court of the District wherein the jail in which such person is confined is situate, and such Court shall commit the execution of the commission to the officer in charge of such jail, or to such other person as the Court thinks fit.

PART IV.

SERVICE OF PROCESS ON PRISONERS.

Process how served on prisoners.

15. When any process directed to any person confined in any jail is issued from any Court, the same may be served by exhibiting to the officer in charge of such jail or prison the original of such process, and by depositing with him a copy thereof.

Process served to be transmitted at prisoner's request.

16. Every officer in charge of a jail upon whom any such service as is mentioned in section fifteen shall be made, shall, as soon as may be, cause the copy of the process so deposited with him to be shown and explained to the prisoner to whom it is directed, and shall thereupon endorse upon such process a certificate signed by him that the prisoner to whom the process is directed is a prisoner in the jail under his charge, and that he has received a copy thereof.

Such certificate shall be sufficient *primâ facie* evidence of the service of such process; and if the prisoner requests that the said copy be sent to any other person, and provides the cost of so sending it, the said officer shall cause the same to be so sent through the Post Office by registered letter.

PART V.

MISCELLANEOUS.

Deposit of costs.

17. No order in any civil matter shall be made by a Court under any of the provisions hereinbefore contained until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court:

Provided that if upon any application for such order it appear to the Court to which the application is made that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by Government from any person ordered by the Court to pay the same, as if it were costs of suit recoverable under the Code of Civil Procedure.

Power to make rules.

18. It shall be lawful for the Local Government, and in cases arising under section eight, for the Governor General of India in Council, to make rules consistent with this Act

(1) for regulating the escort of prisoners to and from the Court in which their presence is required;

(2) for regulating the amount to be allowed for the costs and charges of such escort; and

(3) for the guidance of officers in all other matters connected with the enforcement of this Act;

and from time to time to alter and add to the rules so made.

Publication of rules.

19. All such rules, alterations and additions shall be published in the official Gazette, and shall, from the date of such publication, be deemed to have the force of law.

Power to declare who shall be deemed officer in charge of jail.

20. The Local Government may also declare in each case what officer shall, for the purposes of this Act, be deemed to be 'the officer in charge of the jail.'

SCHEDULE A.

ACT No. XV of 1869.

SCHEDULE A.

Court of

To the officer in charge of the *(state name of jail)*

You are hereby required to have the body of , now a prisoner in under safe and sure conduct before the at on the day of next by of the clock in the forenoon of the same day, there to give testimony in a cause now pending before [*or* in a certain charge or prosecution now pending before against *or as the case may be*] and after the said shall then and there have given his testimony before the said or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of *A. B.*

(Countersigned) *C. D.*

SCHEDULE B.

Court of

To the officer in charge of the *(state name of jail)*

You are hereby required to have the body of , now a prisoner in under safe and sure conduct before the at on the day of next by of the clock in the forenoon of the same day, there to answer a charge now pending before and, after such charge shall have been disposed of or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of *A. B.*

(Countersigned) *C. D.*

Office Supdt. Govt. Printing.—No. 1711 L. C. 24-8-69.—2,400.

ACT No. XVI of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 23rd July 1869.)

An Act to exclude the ordinary Civil Courts from the cognizance of suits relating to land in the Bhután Dvárs, and for other purposes.

Preamble.

WHEREAS it is expedient to exclude the ordinary Civil Courts from the cognizance of suits relating to immoveable property, revenue and rent in the territory ceded by the Government of Bhután to the British Government in the year 1866 and commonly known as the Bhután Dvárs; and whereas certain rules relating to immoveable property, revenue and rent in the said territory, and contained in the schedule to this Act, have been made by the Lieutenant Governor of Bengal, and it is expedient that such rules should have the force of law; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Bhután Dvárs Act, 1869."

Abolition of Civil Courts' jurisdiction as to immoveables in the Dvárs.

2. The jurisdiction which the ordinary Civil Courts of Judicature have hitherto had and exercised in respect of suits (whether instituted before or after the passing of this Act) and other matters connected with immoveable property, revenue and rent in the said territory shall cease.

Jurisdiction by whom exercisable.

3. Such jurisdiction shall be exercised by such officers and within such local limits as the Lieutenant Governor of Bengal shall from time to time appoint in this behalf.

Pending suits and appeals.

4. All original suits and appeals relating to immoveable property, revenue or rent in the said territory, now pending in the said Civil Courts, shall be transferred to and disposed of by such of the officers appointed under section three as the said Lieutenant Governor shall direct in this behalf.

All

PRICE TWO ANNAS.

All suits and appeals so transferred shall be disposed of by the officer to whom they shall have been so transferred as if they had been originally instituted in or presented to his Court.

And all appeals hereafter presented from decrees or orders in original suits relating to such property, revenue or rent heretofore instituted shall (subject to the rules of limitation which would have been applicable thereto if this Act had not been passed) lie to such of the said officers as the said Lieutenant Governor shall direct in this behalf.

Validation of rules.

5. The rules contained in the schedule to this Act shall be deemed to have the force of law.

Power to make additional rules.

6. The said Lieutenant Governor may from time to time make additional rules consistent with this Act and the schedule hereto for the guidance of officers in matters connected with the enforcement of this Act and the rules contained in the said schedule.

Such additional rules shall be published in the *Calcutta Gazette*, and shall thereupon have the force of law.

SCHEDULE.

Rules relating to immoveable property, rent and revenue, in the Bhután Dvárs.

I. At a reasonable time, before any officer appointed under section 3 of the Bhután Dvárs Act, 1869, shall commence his enquiries in any Revenue Survey Circuit or other convenient tract of country, a notice shall be published in such tract calling on all interested in the suits and matters mentioned in section 2 of the said Act, to come forward and advance their claims and protect their interests before the said officer.

II. In the investigation of such suits and matters, the said officer shall be guided by the provisions of Regulation VII of 1822, and shall exercise all the powers conferred upon a Collector making a settlement of land revenue by that Regulation and all other Regulations and Acts amending the same, in addition to the powers vested in him by these rules.

III. The said officer shall make a record in such form as the Lieutenant Governor may direct, of all rights, interests and other matters which he is empowered by these rules to investigate, ascertain, and determine.

IV. The said officer shall ascertain the position as to rights and interests connected with the soil which each person *boná fide* occupied before the state of things was affected by the Bhután

Bhután war, and, subject to due regard for considerations of public policy, confirm him in that position: he shall take cognizance of, and decide, all disputes, conflicting claims, and doubtful questions which then existed: Provided that he shall not take cognizance of any right or interest which, being capable of exercise or assertion within twelve years before the date on which the Bhután Dvárs were transferred to the British Government, had not been exercised or asserted during the period.

V. As soon as the record of rights for any tract as mentioned in Rule III is completed, the said officer shall cause it to be published in the tract, and a second copy shall be open for inspection at his office, of which fact due notice shall be given.

VI. Within one month of such publication, any person who is dissatisfied with any entry in the record, which has not been adjudicated upon by the said officer, may present a petition to such officer, who shall thereupon proceed to try the questions in dispute.

VII. Any person aggrieved by any decision or order of the said officer may appeal by petition to the Commissioner of the Division, or to any other officer specially appointed by the Lieutenant Governor to be a Commissioner in that behalf: Provided that such appeal be presented within three months of the date of the decision or order appealed against, unless sufficient cause for longer delay be shown to the satisfaction of the Commissioner.

VIII. The said officer may, within one month of the passing of any decision or order by him, admit to review any such decision or order, and eventually amend, vary, or correct the same: Provided that no appeal have been preferred against such order or decision to the appellate authority as defined in Rule VII.

IX. The appellate authority may, within one month of the passing of any decision or order by such appellate authority on appeal, admit to review any such decision or order.

X. No appeal shall lie as of right to any authority against any order passed by the appellate authority under these rules, but, notwithstanding anything to the contrary in these rules, the Lieutenant Governor of Bengal may, if he think fit, alter, vary or annul any decision or order which may have been passed under these rules: Provided that an application in that behalf shall have been made before or within one month after the issue of the notification of confirmation of the record under Rule XI.

XI. When the record of any circuit or other tract, as mentioned in Rule III, shall have been finally revised and amended in accordance with all orders passed by the said officer or the Commissioner of the Division under these rules, the record shall be confirmed by an order of the Commissioner of the Division to be published in the *Calcutta Gazette*.

XII. From the date of the publication of such confirmation, the said record shall not be varied or altered otherwise than by an order of the Lieutenant Governor under Rule X, and such record shall be conclusive evidence as to any right, interest, or other matter which may be entered on it in accordance with the provisions of these rules.

Offic Supdt. Govt. Printing.—No. 3029 L. C.—10-8-69.—2700.

ACT No. XVII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 11th August 1869.)

AN ACT *to shorten the time for landing Cargo.*

Preamble.

Whereas the Consolidated Customs' Act (No. VI of 1863), section fifty-two, provides that if the importer, owner or consignee of any goods (except as therein excepted), or his agent, shall not land such goods within fifteen working days after the entry of the vessel importing the same, or within such further period as the bill of lading of such vessel shall specify, the master or commander of the vessel, or the officers of customs on his application, may then carry such goods to the Custom House; And whereas it is expedient to shorten the period of fifteen working days so limited; It is hereby enacted as follows:—

New sections substituted for sections 52, 53 and 54 of Act VI of 1863.

1. Sections LII, LIII and LIV of the said Act are hereby repealed, and in lieu thereof the following shall be substituted:—

Procedure in respect of goods not landed within time allowed.

"LII. If the importer, owner or consignee of any goods (except such as shall have been declared by the master or commander as not to be landed), or the agent of such importer, owner or consignee, shall not land such goods within such number of working days, not exceeding fifteen, after the entry of the vessel importing the same as the Local Government shall from time to time appoint by notification in the Official Gazette, or within such further period as the bill of lading of such vessel shall specify,

the

[PRICE 6 PIES.]

the master or commander of the vessel, or the officers of customs on his application, may then carry such goods to the Custom House.

The officer in charge of the Custom House shall thereupon take charge of and grant receipts for such goods ;

and if notice in writing shall have been given that the goods are to remain subject to a lien for freight, primage, general average, or other charges of a stated amount, he shall hold such goods until the said charges shall be paid.

And in case of goods being landed in time, with exception of only a small quantity.

"LIII. If the cargo of any vessel, with the exception of a small quantity only of goods, shall have been landed within the period so appointed, or such further period as the bill of lading shall specify, the officers of customs may, on the application of the master or commander of such vessel, direct that such remaining goods shall forthwith be carried in like manner to the Custom House.

Effect of not discharging cargo in any earlier period specified in the bill of lading.

"LIV. If any period earlier than the number of working days so appointed is specified in the bill of lading of such vessel for the discharge of her cargo or any part thereof, and if the importer, owner or consignee of such cargo, or his agent shall not land the same within such specified period, the master or commander of such vessel, or the officers of customs on his application, may then carry such goods to the Custom House.

The officer in charge of the Custom House shall thereupon take charge of and grant receipts for such goods ;

and if notice in writing shall have been given that the goods are to remain subject to a lien for freight, primage, general average, or other charges of a stated amount, he shall hold such goods until the said charges shall be paid."

This Act to be read with Act VI of 1863.

2. This Act shall be read with and taken as part of the Consolidated Customs' Act.

Madras—Printed by H. MORGAN, at the Fort Saint George Gazette Press.

THE GENERAL STAMP ACT, 1869.

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ACT No. XVIII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th August 1869.)

An Act for imposing Stamp Duties on certain Instruments.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called 'The General Stamp Act, 1869.'

Extent of Act.

It extends to the whole of British India.

Commencement of Act.

And it shall come into force on the first day of January 1870.

Repeal of enactments.

2. On and after that day, the enactments specified in the third schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

Interpretation-clause.

3. In this Act and the first and second schedules hereto annexed, unless there be something repugnant in the subject or context—

(1.) 'Affidavit' includes every declaration in writing, on oath or affirmation, made before a person authorized by law to administer an oath:

(2.) 'Award' includes every decision in writing by an arbitrator or umpire:

(3.) 'Bill of Exchange' includes a hundí and every other instrument (except a cheque) whereby a person is ordered to pay to another a specified sum of money:

(4.) 'Bill of Lading' includes every instrument signed by the owner of a ship or his agent, acknowledging the receipt of goods therein described, and undertaking

undertaking to deliver them at a port and to a person therein mentioned or indicated:

(5.) 'Bond' includes every instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

(6.) 'Bottomry-bond' includes every instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to prosecute her voyage:

(7.) 'Charter-party' includes every instrument (except an agreement for the hire of a tug steamer) whereby a ship or some principal part thereof is let for the specified purposes of the charterer:

(8.) 'Cheque' includes every instrument whereby a bank, banker, or person acting as a banker, is ordered to pay on demand a specified sum of money:

(9.) 'Collector' means, within the limits of the towns of Calcutta, Madras and Bombay, the Collector of Calcutta, Madras or Bombay, and, without those limits, the Collector of a District, and includes Deputy Commissioner or any officer having jurisdiction equivalent to that of a Collector of a District:

(10.) 'Composition-deed' includes every instrument executed by a debtor, whereby the debtor conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors:

(11.) 'Conveyance' means any instrument (except a transfer of a share in a Company or Association, a mortgage-deed, a settlement, a lease, an instrument of reconveyance of mortgaged property, a composition-deed, an instrument of gift, or an instrument of exchange or partition-deed, where no money is paid for equality of exchange or partition) by which property is conveyed *inter vivos*:

(12.) 'Counterpart' means the duplicate of a conveyance, settlement, mortgage-deed or lease, such duplicate not being executed by the grantor, settlor,

tlor, mortgagor or lessor, but by some other party to the instrument: it includes a kabúliyát in cases where a lease has been granted:

(13.) 'Dock-warrant' includes every instrument evidencing the title of any person therein named or his assign, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the company or person in whose custody such goods may be:

(14.) 'Impressed' includes 'printed' and 'lithographed:'

(15.) 'Lease' includes every instrument (not being a counterpart) by which one person lets or agrees to let, or takes or agrees to take, immoveable property to or from another:

(16.) 'Letter of Credit' includes every instrument by which one person requests another to give credit to the person in whose favour it is drawn:

(17.) 'Letter of License' includes every agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion:

(18.) 'Mortgage-deed' includes every instrument evidencing a pledge of property for securing the payment of money:

(19.) 'Negotiable instrument' includes Bills of Exchange, Promissory Notes and Cheques:

(20.) 'Notarial act' means any instrument, endorsement, note or entry made or signed by a Notary Public in the execution of the duties of his office, and includes every like instrument, endorsement, note or entry made or signed by a consul, attorney, or other person authorized by law to act as a Notary Public:

(21.) 'Paper' includes vellum, parchment or any other material on which an instrument may be written:

(22.) 'Partition-deed' means any instrument whereby persons interested in immoveable property jointly, or in common, or as co-parceners, or as members

bers of an undivided Hindú family, divide or agree to divide such property in severalty, and includes a batwárá:

(23.) 'Policy of insurance' means any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event: it does not include a policy on life:

(24.) 'Power of Attorney' includes every instrument (except a proxy) empowering a person to act in the stead of the person executing it:

(25.) 'Promissory Note' includes every instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

(26.) 'Property' means property being in British India:

(27.) 'Protest' means a declaration in writing made by a Notary Public, or other person authorized to act as such, attesting the dishonour of a Bill of Exchange or Promissory Note:

(28.) 'Protest of the Master of a ship' includes every declaration of the particulars of her voyage, drawn up by him with a view to the adjustment of losses, or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship:

(29.) 'Proxy' means an instrument whereby a person authorizes another to vote for him at a meeting:

(30.) 'Release' includes every instrument whereby a person renounces a claim upon another person or against any specified property:

(31.) 'Respondentia-bond' includes every instrument securing a loan on the cargo laden or to be laden on board a ship, and making repayment contingent on the arrival of the cargo at the port of destination: and

(32.) 'Settlement' means any instrument (other than a Will) whereby the destination or devolution of moveable or immoveable property is settled or agreed to be settled.

CHAPTER II.

CHAPTER II.

Stamp-duties chargeable under this Act.

Scheduled duties chargeable.

4. For every instrument mentioned in the first and second schedules hereto, and executed in British India on or after the first day of January 1870,

or executed out of British India on or after that day, but relating to any property within British India,

there shall be payable to the Government of India, as stamp-duty, the amount indicated in the first or second schedule hereto annexed, to be the proper duty for such instrument.

Duties how levied.

By adhesive stamps.

5. (*a*).—All instruments chargeable under this Act with the duty of one anna, bills of exchange and promissory notes drawn or made out of British India, and transfers by endorsement of shares of Companies and Associations may (subject to the provisions hereinafter contained) be stamped with adhesive stamps.

By impressed stamps.

(*b*).—The stamp on every other instrument chargeable under this Act shall either be impressed on the paper whereon the instrument is written or be otherwise denoted by the Collector or the Superintendent of Stamps in accordance with such rules as the Governor General of India in Council may from time to time prescribe in this behalf.

Duties by whom payable.

6. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne—

1*st*.—In the case of any instrument mentioned in the first schedule to this Act (other than a policy of insurance, a mortgage-deed, a settlement, a conveyance, a lease, an instrument of exchange or partition-deed where money is paid for equality of exchange or partition, an appraisement or valuation, an award and a copy, duplicate or extract), by the person drawing, making, or executing such instrument:

2*nd*.—In the case of a policy of insurance, by the insured:

3*rd*.—In the case of a settlement, by the settlor:

4*th*.—In

4th.—In the case of a conveyance, mortgage-deed or lease, by the grantee, mortgagor or lessee:

5th.—In the case of a counterpart of a lease, by the lessor:

6th.—In the case of a partition-deed, by the parties thereto in proportion to their respective shares in the property comprised therein: and

7th.—In the case of an exchange where money is paid for equality of exchange, by the person paying such money.

Duties on bills of exchange.

7. The duty imposed by this Act on bills of exchange shall be chargeable (*a*) on all bills drawn and payable in British India, (*b*) on all bills drawn in, but payable out of, British India, and (*c*) on all bills drawn out of, but accepted, or paid, or endorsed, transferred, or otherwise negotiated within, British India.

Bills drawn out of British India.

8. The holder of any bill of exchange or promissory note drawn or made out of British India, and not stamped as required by this Act, shall, before he presents the same for acceptance or for payment, or endorses, transfers, or otherwise negotiates such bill or note, affix thereto the proper adhesive stamp or stamps for denoting the duty with which it is chargeable under this Act.

Instruments reserving interest.

9. Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with a duty higher than that with which it would have been chargeable had no mention of interest been made therein.

Consideration expressed in foreign currency.

10. When the consideration set forth in or the amount secured by any instrument chargeable under this Act is expressed in pounds sterling, pounds currency, francs or dollars, such consideration or amount shall, for the purposes of this Act, be estimated according to the following scale:—

One pound sterling or pound currency is equivalent to ten rupees.

One hundred francs are equivalent to forty rupees.

One Mexican or China dollar is equivalent to two rupees four annas.

One Mauritius dollar is equivalent to two rupees.

11. When

11. When the amount or value of the subject-matter of any bond, mortgage-deed or settlement chargeable under this Act with an *ad valorem* stamp-duty and referred to or mentioned in section six cannot be ascertained, the proper stamp to be borne by such instrument may be determined by the person bound under that section to bear the expense of providing the stamp :

Optional stamps where value of subject-matter is indeterminate.

Provided that, under such instrument, nothing shall be recoverable more than the highest amount or value for which, if stated in an instrument of the same denomination, the stamp actually used under such option would have been sufficient.

12. The whole amount secured for the payment of an annuity, or other sum payable periodically for an indefinite time, by a bond, promissory note, or mortgage-deed shall, for the purposes of this Act, be deemed to be ten times the amount of the payment calculated for one year.

Bond, &c., for payment of annuity.

Where the consideration for a conveyance is an annuity or other sum payable periodically for an indefinite time, such consideration shall, for the purposes of this Act, be deemed to be ten times the amount of the payment calculated for one year.

Consideration an annuity.

13. Where more instruments than one are required for the completion of any transaction involving the execution of a mortgage-deed, settlement, conveyance or lease, the proper stamp required by this Act for such mortgage-deed, settlement, conveyance, or lease, shall be borne by the principal instrument executed in such transaction, and each of the other instruments shall bear a stamp of one rupee.

Several instruments used in a single transaction.

The parties may determine for themselves which of such instruments shall for the purposes of this section be deemed to be the principal instrument : Provided that, where the instruments are liable to different rates of duty under this Act, the instrument liable to the highest of such rates shall be deemed to be the principal instrument.

14. An instrument so framed as to come within two or more of the definitions in section three shall, when the instruments to which those definitions apply are liable to different rates of duty under this Act, be charged with the highest of such rates :

Instruments coming within two or more of the definitions in section 3.

Provided

Provided that when any one instrument purports, for distinct considerations, to convey by way of sale, to lease, to give, or to mortgage two or more subject-matters,

or to convey by way of sale, to lease, or to give one subject-matter and to mortgage another,

such instrument shall be chargeable with the aggregate amount of the duties to which instruments effecting separately each of such conveyances, leases, gifts, or mortgages would be liable under this Act.

Instruments exempt from duty.

15. Nothing in this Act shall render the following instruments chargeable with duty:—

(1.) Receipt or discharge granted to a cultivator for the rent of land paying revenue to Government, or (in the Presidencies of Madras and Bombay) of inám lands.

(2.) Receipt given for money or securities for money deposited in any bank or in the hands of any banker or person acting as a banker to be accounted for:

Provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for:

Provided further, that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of allotment of a share or in respect of a call upon any scrip or share of or in any Company or Association or proposed or intended Company or Association.

(3.) Receipt or discharge endorsed on or contained in any instrument duly stamped according to the law in force in British India at the date of its execution, acknowledging the receipt of the consideration-money therein expressed, or the receipt of any principal money, interest or annuity or other periodical payment, thereby secured.

(4.) Transfer by endorsement of a negotiable instrument or a policy of marine insurance or of insurance against fire.

(5.) Letters of hypothecation accompanying a bill of exchange.

(6.) Transfers of securities of the Government of India.

(7.) Bond

(7.) Bond to Government for the due performance of the duties of any salaried office.

(8.) Agreement or memorandum of an agreement for or relating to the sale of goods or merchandize.

(9.) Lease granted to a cultivator, unless a fine or premium be paid in consideration of such lease.

(10.) Counterpart of such lease.

(11.) Surrender of land executed by a cultivator to his landlord.

(12.) Affidavit made for the sole purpose of enabling any person to receive any pension or charitable allowance.

(13.) Copy of any paper which a public officer is by law required to make or furnish in his official capacity.

(14.) Copies made for the private use only of any person having the custody of the original instrument or of his counsel, attorney or vakíl.

(15.) Receipt or other instrument executed by or on behalf of Government, in cases where the Government would, but for this exemption, be liable to pay for the stamp thereon.

(16.) Letter of cover or engagement to issue a policy of insurance:

Provided that, unless such letter or engagement bear the stamp prescribed by this Act for such policy of insurance, nothing shall be recoverable thereunder, nor shall it be available for any purpose except to compel the delivery of the policy therein mentioned.

Power to lower rates of stamp-duty.

16. The Governor General of India in Council may, from time to time, by order published in the *Gazette of India*, reduce or remit in the whole or any part of British India, the duties chargeable under this Act on all or any of the instruments mentioned in the first and second schedules hereto annexed, or on any particular class of such instruments, or on any of the instruments belonging to such class, or on any of the instruments mentioned in the said schedules when executed or granted by or to any particular class of persons, or by or to any members of such class,

and

and may in like manner cancel or vary such order to the extent of the powers hereby given.

Every such cancelment or variation shall be published in the *Gazette of India.*

Saving of judicial stamp-duties.

17. Nothing in this chapter or in the schedules hereto annexed, shall be deemed to affect the stamp-duties chargeable under ~~Act~~ No. XXVI ~~of 1867, section six, or under~~ any ~~other~~ enactment relating to stamps used in judicial proceedings.

CHAPTER III.

Unstamped or Insufficiently Stamped Documents.

Instruments not duly stamped inadmissible in evidence.

18. *(a).*—No instrument chargeable with stamp-duty shall be received in any court of justice, or by any person having by law or consent of parties authority to receive evidence, as creating, modifying, transferring or extinguishing, or purporting to create, modify, transfer or extinguish, any right or obligation,

or as evidence in any civil proceeding,

or shall be acted upon in any such court, or by any such person as aforesaid, or by any public officer,

or shall be registered by any officer acting under any law for the registration of assurances or in any public office,

or shall be authenticated by any public officer,

unless such instrument bears a stamp of a value not less than the amount of the duty with which it is chargeable under the law in force in British India at the time of its execution.

Except in criminal proceedings.

(b.)—Every instrument chargeable with stamp-duty shall be admitted in evidence in any criminal proceeding (other than proceedings under chapter XXII of the Code of Criminal Procedure), although it may not have the stamp required by law impressed thereon or affixed thereto.

19. Subject

19. Subject to the provisions contained in section twenty-six, no person taking a bill of exchange or promissory note requiring a stamp under section eight, either in payment or as a security, or by purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any purpose, unless at the time when he so takes it, the proper stamp is affixed thereto and cancelled in manner directed by this Act.

Foreign bill unstamped or with stamp uncancelled.

20. When any instrument chargeable with stamp-duty executed on paper not bearing the stamp required by the law in force in British India at the time of its execution is produced in a Civil Court, the Court, if satisfied that the omission to execute such instrument on paper bearing the proper stamp, did not arise out of any intention to evade payment of the proper duty, and on payment of such duty, or, in the case of an insufficiently stamped instrument, of the sum required to make up the full amount chargeable on such instrument,

Powers of civil courts as to unstamped or insufficiently stamped instruments.

together with a penalty of the following amount (that is to say) :—

if the instrument is produced within one year from the date of its execution, five times, or if it is produced after one year from such date, twenty times, such proper stamp-duty or deficient portion thereof as aforesaid,

Penalty.

shall certify by endorsement on such instrument that the proper stamp-duty has been levied thereon:

Provided that no such penalty shall exceed one thousand rupees.

Such certificate shall be conclusive evidence as to the amount of stamp-duty leviable on such instrument, and the said instrument shall thereupon be admissible as if originally executed on paper bearing the proper stamp.

21. *(a.)*—An entry of every such payment showing the amount thereof shall be made in a book to be kept by the Court, and shall also be endorsed on the instrument in respect of which the payment is made, and such endorsement shall be signed by the presiding officer.

Registration of payments and penalties levied by civil courts.

(b.)—The Court shall at the end of every month make a return to the Collector of the money (if any) which it has so received, distinguishing between the sums received by way of penalty and

Returns to Collector.

and the sums received by way of duty, stating the number and title of the suit, the name of the party from whom the money was received, and the date (if any) and description of the instrument.

Payments to Collector.

(c.)—The Court shall pay over all money so received to the Collector or to such person as he may from time to time appoint to receive the same.

Impounding unstamped instruments in civil or criminal courts.

22. If it appear to a Civil or Criminal Court that any instrument filed or exhibited in such Court was executed on unstamped or insufficiently stamped paper with the intention of evading payment of the stamp-duty required by the law in force in British India at the time of its execution, the Court may impound the instrument and send it to the Collector, and he shall thereupon prosecute the offender.

Impounding unstamped instruments in public office.

23. When any instrument is produced before any registering officer, or in any public office other than a Civil or Criminal Court, if it appear to the registering officer or to the head of such public office that the instrument is chargeable with stamp-duty under the law in force in British India at the time of its execution, but that it does not bear a stamp of a value equal to or exceeding the value of the stamp prescribed therefor by that law, he shall impound the instrument, and send it forthwith to the Collector.

Powers of Collector as to unstamped or insufficiently stamped instruments.

Prosecution.

24. *(a.)*—When any instrument is produced before the Collector, otherwise than for the purpose of obtaining an adjudication under section thirty-nine, or has been sent to him under section twenty-three, he shall either proceed in accordance with the provisions of section twenty, exercising the powers thereby conferred on a Civil Court; or if it appear to him that the instrument was executed on unstamped or insufficiently stamped paper with the intention of evading payment of the proper stamp-duty, he shall prosecute all the persons that have executed the said instrument or such of them as to him may seem fit;

or if it appear to him that the instrument is properly stamped, or that it is not chargeable with stamp-duty under the law in force in British India at the time of its execution, he shall certify by endorsement thereon that it is properly stamped, or that it is not so chargeable (as the case may be); and he shall thereupon

upon return such instrument to the registering or other public officer by whom it was sent, or to the person by whom it was produced, and, subject to the provision contained in section forty, it shall be deemed to be properly stamped or not chargeable (as the case may be):

Remission of penalty.

(*b.*)—Provided that, in any case coming under this section, if the instrument is brought within one year from the date of its execution to the Collector, or other public officer by whom it has been sent to the Collector under section twenty-three, and if the Collector is satisfied that such instrument has not been duly stamped previously to being signed or executed by reason of accident, mistake, inadvertence or urgent necessity, he may remit the whole or any part of the penalty prescribed by section twenty:

(*c.*)—Provided also that, in any case coming under this section in which an instrument, other than a bill of exchange or promissory note, purports to have been executed out of British India, if the Collector is satisfied that the instrument was so executed, and also that it has been brought to him within the three months next after its arrival in British India, he shall, on payment of the duty with which such instrument would have been chargeable if executed in British India, certify by endorsement thereon that the proper stamp-duty has been levied upon it.

(*d.*)—Subject to the provision contained in section forty, such certificate shall be conclusive evidence of the amount of stamp-duty leviable on the instrument, which shall thereupon be admissible as if originally executed on paper bearing the proper stamp.

Validity of instrument for which Collector levies penalty.

25. When the Collector elects to proceed under section twenty, he shall (if he imposes a penalty), after endorsing on the instrument the certificate thereby directed, or (if he remits the whole of the penalty) after endorsing on the instrument a certificate to that effect, return such instrument to the registering or other public officer by whom it was sent or to the person by whom it was produced.

Subject to the provision contained in section forty, the said instrument shall thereupon be, and be deemed to have been, as valid as if it was originally executed on paper bearing the proper stamp.

In

In case any instrument sent or returned under sections twenty-two, twenty-three, or twenty-four, or the former part of this section, be lost, destroyed or injured during transmission, the Court or officer sending or returning the same shall not be liable for such loss, destruction or injury.

Loss of instruments sent under sections 22, 23, 24 or 25.

26. *(a.)*—When any bill of exchange, promissory note, cheque or order for the payment of money on demand by any banker or person acting as a banker, chargeable hereunder with the duty of one anna, comes to his hands unstamped, he may affix thereto the necessary adhesive stamp, and cancel the same in the manner required by this Act, and upon so doing, may charge the duty against the person who ought to have paid the same, or deduct such duty from the sum so directed to be paid.

Power to stamp instruments chargeable with one anna.

(*b.*)—Such bill, note, cheque, or order shall, so far as relates to the stamp-duty chargeable thereon, be valid; but this shall not relieve any person or firm from liability to the penalty which he or it may have incurred by issuing or giving the said bill, note, cheque, or order unstamped.

27. (*a.*)—Any person, or the agent of any person, from whom money exceeding in amount twenty rupees is due or claimed to be due, and who shall have paid such money, may provide a piece of paper with an adhesive stamp of one anna affixed thereto, and may require of the person entitled to such money, or any agent to whom the same shall have been paid, a receipt for such money and also the value of the said stamp.

Procedure where receipts are required.

(*b.*)—If any one to whom money shall have been so paid refuses to give such receipt upon demand thereof, or to pay the value of the said stamp thereon, he shall be liable for every such offence to a fine not exceeding one hundred rupees.

Refusal to give receipts.

28. Except as provided in sections eight and twenty-six, no stamp shall be affixed to, or impressed on, any bill of exchange, or promissory note, or any instrument chargeable hereunder with the duty of one anna, subsequent to the execution thereof, nor shall the provisions of sections twenty and twenty-four apply to any such instrument.

After-stamping when inadmissible.

CHAPTER IV.

CHAPTER IV.

CRIMINAL PENALTIES.

Penalty for executing instrument on paper not duly stamped.

29. Any person or firm making, signing or issuing or, except as provided in section twenty-six, accepting, endorsing, paying or receiving payment of any bill of exchange, promissory note, cheque or other similar instrument liable to any of the duties hereby imposed, without the same being duly stamped,

and any person making, executing or signing otherwise than as a witness any other instrument liable to any of such duties without the same being duly stamped,

shall, for every such offence, be liable to fine not exceeding one hundred rupees,

or, if ten times the value of the proper stamp exceeds one hundred rupees, to fine not exceeding ten times such value,

or, where an insufficient stamp has been used, if ten times the deficient amount exceeds one hundred rupees, to fine not exceeding ten times such amount.

Penalty for presenting, &c., unstamped foreign bills or notes.

30. Any person or firm presenting for acceptance or for payment, or accepting, paying, endorsing, transferring or in any manner negotiating any bill of exchange or promissory note drawn or made out of British India whereon there is not such stamp as is required by this Act, shall be liable for every such offence to fine not exceeding one hundred rupees.

Cancelling stamps on foreign bills by holder.

31. Any person or firm presenting for acceptance or payment a bill of exchange or promissory note to which an adhesive stamp has been affixed under section eight,

and any person or firm endorsing, transferring, or in any manner negotiating such bill or note,

shall, before delivering the same out of his or its hands, custody or power, cancel the stamp so affixed,

in such manner as to show that the stamp has been made use of, and so that the same shall not admit of being used again.

Any

Penalty for failure to cancel such stamps.

Any person or firm who or which ought, as directed by this Act, to cancel such stamp in manner aforesaid, and refusing or neglecting so to do, shall be liable for every such offence to fine not exceeding one hundred rupees.

Penalty for not drawing full number of bills or marine policies purporting to be in sets.

32. Any person or firm drawing or executing within British India a bill of exchange or a policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped as required by this Act the whole number of bills or policies of which such bill or policy purports the set to consist, shall, for every such offence, be liable to fine not exceeding one thousand rupees.

Cancellation of adhesive stamp by maker or executant.

33. Whenever an adhesive stamp is used as hereinbefore authorized, the person making or executing the instrument to which such stamp is affixed shall, before delivering the instrument out of his hands, custody or power, cancel the stamp so used so that it cannot be used again.

Penalty for failure to cancel such stamps.

Any person making or executing such instrument and failing to cancel the stamp affixed thereto in manner aforesaid shall, for every such offence, be liable to fine not exceeding one hundred rupees.

Consideration to be stated.

34. (*a.*)—When any moveable or immoveable property is sold, the full consideration-money directly or indirectly paid or secured, or agreed to be paid or secured, for the same, shall be truly set forth in words at length in the principal or only instrument whereby the property sold is conveyed to, or vested in, the purchaser or in any other person by his direction.

Mortgage-money to be deemed purchase-money.

(*b.*)—When any property is sold and conveyed subject to any mortgage or bond or other debt, or to any gross or entire sum of money, such debt or sum shall be deemed the consideration-money or part of the consideration-money (as the case may be) in respect whereof the duty chargeable under the first schedule to this Act shall be paid,

notwithstanding the purchaser is not or does not become personally liable for such debt or sum,

or

or does not agree to pay the same or to indemnify the seller against the same.

(c.)—If the full consideration-money is not set forth as aforesaid, the purchaser and the seller shall each be liable to fine not exceeding five hundred rupees, and shall also pay a fine of five times the amount of the excess of duty with which such instrument would have been chargeable under this Act, if the full consideration-money had been duly set forth in such instrument, in addition to the duty actually paid for the same.

Penalty for not stating consideration.

35. Any attorney, vakíl, pleader, mukhtár or other person employed in or about the preparing of any instrument in or upon which the full consideration-money is hereby required to be truly set forth,

Penalty on attorneys, &c., not inserting true consideration.

or employed for any of the parties thereto in anywise about or relating to the transaction therein mentioned,

who knowingly inserts or sets forth, or causes to be inserted or set forth, in or upon such instrument any other than the full consideration-money,

shall make such offence, pay a fine not less than five hundred rupees and that behalf not exceeding five thousand rupees.

(d.)—The attorney, vakíl, pleader and mukhtár convicted under this section shall, from the date of such conviction, be disabled to practise as an attorney, vakíl, pleader or mukhtár :

Provided that no person shall be liable to any penalty or disability under this section, unless the duty actually paid for the instrument is less than would have been payable for the same in case the consideration-money had been truly set forth as aforesaid.

36. Whoever abets within the meaning of the Indian Penal Code any offence made punishable by this Act shall be punished with the punishment hereinbefore provided for such offence.

Abetment.

37. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of

Recovery of fines.

of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm, or to all or any of the members thereof.

Reward to informers.

38. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half to the person on whose information the offender has been convicted.

CHAPTER V.

Jurisdiction.

Adjudication of doubt as to proper stamp.

39. When any instrument chargeable with stamp-duty under this Act, whether previously stamped or not, is brought [illegible] the Collector, and the person bringing it desires to have [illegible] opinion of that officer as to the duty with which it is so c[illegible]ble, and pays a fee of five rupees, the Collector shall assess and charge th[illegible]ich, in his judgment, the instrument is liable ; and upon payment [illegible] or of such a sum as, with the duty already paid thereon, is equal [illegible]y so assessed and charged, and of the penalty, if any, incurred throu[illegible]nstrument having been executed on insufficiently stamped paper, s[illegible]tify by endorsement on such instrument that the full duty with which i[illegible]hargeable under this Act has been paid.

The instrument shall thereupon be deemed to be duly stamped and shall be receivable in evidence or otherwise in all courts and public offices as if originally executed on paper bearing the proper stamp :

Provided that nothing contained in the former part of this section shall authorize the Collector to make any such endorsement on bills of exchange, promissory notes or instruments chargeable with the stamp-duty of one anna when brought to him on unstamped or insufficiently stamped paper subsequent to the drawing or execution thereof.

40. All

40. All certificates and orders of the Collector under this Act shall be open to revision on appeal or otherwise by the chief controlling Revenue Authority to which the Collector is subordinate :

Revision of Collector's certificates and orders.

Provided that no order passed on such revision shall invalidate any registration or other proceeding previously made or taken of or upon an instrument endorsed by the Collector under section twenty-four or section twenty-five.

41. *(a.)*—The chief controlling Revenue Authority may state any case coming before it under this Act and refer such case with its own opinion thereon, if the case arise in the Presidency of Fort Saint George or the Presidency of Bombay, to the local High Court, and if it arise in any other part of British India, to the High Court at Fort William.

Reference to High Court.

(b.)—Every such case shall be decided by at least three Judges of the High Court to which it is referred, and in case of difference the opinion of the majority shall prevail.

(c.)—If the High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Revenue Authority by which it was stated to make such additions thereto or alterations therein as the Court may direct in that behalf.

(d.)—The High Court upon the hearing of any such case shall decide the questions raised thereby and shall deliver its judgment thereon containing the grounds on which such decision is founded ; and it shall send to the Revenue Authority by which the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar, and the Revenue Authority shall, on receiving the same, dispose of the case conformably to such judgment.

42. The chief controlling Revenue Authority may, upon petition, remit wholly or in part any penalty imposed under this Act.

Power to remit penalties.

43. All prosecutions in respect of any offence punishable by this Act, shall be instituted and conducted by the Collector or such other officer as the Local Government generally or the Collector specially authorizes in that behalf.

Institution and conduct of prosecutions.

44. Offences

Jurisdiction of Magistrate

44. Offences punishable under this Act may be tried within the limits of the towns of Calcutta, Madras and Bombay by a Magistrate of Police, and beyond those limits by the Magistrate of the District or a person exercising the powers of a Magistrate (as defined in the Code of Criminal Procedure) or of a Subordinate Magistrate of the first class:

Provided that, in imposing penalties under this Act, no such person shall exceed the limits of jurisdiction prescribed for him by the said Code.

CHAPTER VI.

MISCELLANEOUS.

Refund in case of useless or spoiled stamped paper.

45. If any person possessing any stamped paper which has been obtained in the manner allowed by this Act ~~or Act No. X of 1862 (to consolidate and amend the law relating to stamp duties)~~, or any paper on which the stamp has been denoted by the Collector or the Superintendent of Stamps, does not require the same for use,

or if the paper so possessed becomes spoiled or unfit for use as hereinafter mentioned,

the Collector of the District in which the paper has been purchased may, upon application made to him within one year after such purchase, and upon delivery to him of such paper, refund the amount paid to Government for the same, whether by the applicant or any other person;

or in case the owner of the paper so spoiled or unfit for use, desires to be supplied with stamped paper of similar or equal value, the Collector may cause such paper to be delivered to him or his agent upon payment of the value of the paper on which the new stamp or stamps shall be impressed.

When stamped paper shall be held to be spoiled.

46. Stamped paper and paper on which the stamp has been denoted by the Collector or the Superintendent of Stamps, shall be held to be spoiled or unfit for use within the meaning of section forty-five when—

by accident happening to the same before any writing thereupon has been finally signed and executed, it is rendered unfit for use;

or

or when, because of some error in the drawing up or copying of any writing thereon, discovered before such writing has been finally signed and executed, it is rendered of no avail;

or when, by reason of death or refusal of the party whose signature may be necessary to effect the transaction intended by such writing, it remains incomplete and of no avail;

or when, by refusal of any office or trust granted by a writing thereon, it has failed of the purpose intended;

or when, by reason of failure of consideration, the transaction intended to be effected or evidenced by a writing thereon cannot be effected or evidenced;

or when the transaction intended to be effected by a writing thereon has been effected by some other instrument duly stamped;

or when, in the case of a negotiable instrument, such instrument is, by reason of non-delivery to the payee or person acting in his behalf, or other cause, never brought into use;

or when, in the case of a bill of exchange other than a bill drawn in a set, it has not been presented for acceptance or payment.

Suit where consideration is not stated.

47. Where in case of a sale, or an exchange upon which money is paid for equality of exchange, or a lease for a premium, the full consideration-money is not truly set forth in the manner hereby directed, the purchaser, or the person paying money for equality of exchange, or the lessee (as the case may be), or his representative in interest, may sue for and recover back from the seller, or the person receiving such money, or the lessor (as the case may be), or his representative in interest, so much of the consideration-money as is not set forth as aforesaid, or the whole thereof, if no part of the same is so set forth;

and in such suit, notwithstanding anything hereinbefore contained, the conveyance, instrument of exchange, or lease shall be admissible in evidence.

Power to make rules for sale of stamps.

48. Every Local Government shall frame rules for regulating the sale of stamps and stamped paper required by this Act or by Act No. XXVI of 1867 (*to amend the law relating to stamp duties*) for determining the persons by whom such sale is to be conducted,

conducted, and for fixing the remuneration of such persons within the territories subject to its control; and may from time to time alter and add to such rules.

Approval and publication of rules.

Such rules, alterations and additions shall, when approved by the Governor General of India in Council, and after publication in the local official Gazette, have the force of law.

Penalty for disobeying rules.

Any person appointed to sell such stamps and stamped paper, who knowingly disobeys any such rule, shall be punished with simple imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

Employment of single impressed stamp.

49. When an impressed stamp is used under section five to denote the amount of duty with which any instrument is chargeable, such amount shall be denoted by a single stamp, except when such amount exceeds one thousand rupees, in which case it may be denoted by two or more impressed stamps of which the aggregate amount is the amount so required:

Provided that, when a single impressed stamp of any amount less than one thousand rupees is not procurable on application to the Collector or stamp-vendor appointed under section forty-eight, it shall be lawful, on such officer making a certificate to that effect, for the person requiring such stamp to denote the amount by two or more impressed stamps, of which the aggregate amount is the amount so required.

Employment of several stamped papers.

50. When more stamped papers than one are used under section forty-nine for an instrument chargeable with stamp-duty under this Act, each paper so used shall contain a part of the instrument.

Act to be translated, indexed and sold cheaply.

51. Every Local Government shall cause this Act and the schedules hereto annexed to be carefully translated into the principal vernacular languages of the territories subject to its control.

A full alphabetical index shall be added to every such translation, and the translation and index shall be printed and sold to the public at a price not exceeding four annas per copy.

SCHEDULE I.

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.		Proper Stamp-duty.		
		If drawn singly.	If drawn in set of two, for each part of the set.	If drawn in set of three, for each part of the set.
		Rs. A. P.	Rs. A. P.	Rs. A. P.
1. BILL OF EXCHANGE PAYABLE OTHERWISE THAN ON DEMAND ..	When the amount of the bill or note does not exceed Rs. 100	0 1 0	0 1 0	0 1 0
	And when the amount exceeds Rs. 100 but does not exceed Rs. 200 ..	0 2 0	0 1 0	0 1 0
	" " 200 " " 300 ...	0 3 0	0 2 0	0 1 0
	" " 300 " " 600 ..	0 6 0	0 3 0	0 2 0
	" " 600 " " 900	0 9 0	0 5 0	0 3 0
	" " 900 " " 1,200 .	0 12 0	0 6 0	0 4 0
2. PROMISSORY NOTE PAYABLE OTHERWISE THAN ON DEMAND ...	" " 1,200 " " 1,500	0 15 0	0 8 0	0 5 0
	" " 1,500 " " 2,500	1 8 0	0 12 0	0 8 0
	For every Rs. 2,500 or part thereof in excess of Rs. 2,500 up to Rs. 10,000	1 8 0	0 12 0	0 8 0
	For every Rs. 5,000 or part thereof in excess of Rs. 10,000 up to Rs. 30,000	3 0 0	1 8 0	1 0 0
	And for every Rs. 10,000 or part thereof in excess of Rs. 30,000	6 0 0	3 0 0	2 0 0

		If drawn singly.	If drawn in duplicate, then for each part.
		Rs. A. P.	Rs. A. P.
3. POLICY OF INSURANCE ...	When the amount insured does not exceed Rs. 1,000	0 4 0	0 2 0
	And for every further sum of Rs. 1,000 insured or for every part thereof	0 4 0	0 2 0

SCHEDULE I—*(continued)*

Instruments chargeable with ad valorem Stamp-duties

Description of Instruments.		Proper Stamp-duty.
		Rs A P
4 *TRANSFER OF A SHARE IN A COMPANY OR ASSOCIATION	When the amount paid for such share does not exceed Rs 100 ..	0 4 0
	For every Rs 100 of such amount or part thereof in excess of Rs 100 up to Rs 1,000 ...	0 4 0
	And for every Rs. 500 of the same or part thereof in excess of Rs 1,000	1 4 0
5. BOND FOR ANY SPECIFIED AMOUNT, OTHER THAN AN ADMINISTRATION BOND ..	When the amount secured does not exceed Rs 25	0 2 0
	When such amount exceeds Rs 25 but does not exceed Rs 50	0 4 0
	" " " 50 " " " 100	0 8 0
6. BOTTOMRY-BOND	For every Rs 100 or part thereof in excess of Rs 100 up to Rs 1,000	0 8 0
	" " 500 " " " " 1,000 " " 10,000	2 8 0
7. RESPONDENTIA-BOND .	" " 1,000 " " " " 10,000 " " 30,000	2 8 0
	And for every Rs 10,000 or part thereof in excess of " 30,000	12 8 0
8. CUSTOMS-BOND ...	(a). When the amount secured does not exceed Rs. 1,000 ..	The stamp-duty with which a Bond for such amount is chargeable (No 5).
	(b) When such amount exceeds Rs 1,000	Five Rupees

9. INDEMNITY-BOND	(a).	When the amount secured does not exceed Rs. 3,000	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(b).	When such amount exceeds Rs. 3,000 or is not expressed ...	Sixteen Rupees.
10. MORTGAGE-DEED, WHEN POSSESSION OF THE PROPERTY COMPRISED THEREIN IS NOT GIVEN BY THE MORTGAGOR AT THE TIME OF EXECUTION ...		... ...	The stamp-duty with which a Bond for the amount secured is chargeable (No. 5).
11. INSTRUMENT OF FURTHER CHARGE ON SUCH PROPERTY, WHETHER BY INDORSEMENT OR OTHERWISE ...			
12. BOND OR MORTGAGE-DEED FOR THE DUE EXECUTION OF AN OFFICE, OR TO ACCOUNT FOR MONEY RECEIVED BY VIRTUE THEREOF... ...	(a).	When the amount secured does not exceed Rs. 3,000... ...	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(b).	When such amount exceeds Rs. 3,000 or the amount is not expressed	Sixteen Rupees.
13. ASSIGNMENT OF ANY INTEREST SECURED BY A BOND OR MORTGAGE-DEED ...	(a).	When the amount of such interest does not exceed Rs. 3,000 ...	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(b).	In any other case	Sixteen Rupees.

NOTE.—The stamp-duty chargeable on the instrument marked * may be denoted by an adhesive stamp when the transfer is made by endorsement.

SCHEDULE I—*(continued).*

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.		Proper Stamp-duty.		
14. SETTLEMENT ...		The stamp-duty with which a Bond for the amount or value of the property thereby settled is chargeable (No. 5).		
15. CONVEYANCE 16. MORTGAGE-DEED, WHEN POSSESSION OF THE PROPERTY COMPRISED THEREIN IS GIVEN BY THE MORTGAGOR AT THE TIME OF EXECUTION ... 17. INSTRUMENT OF FURTHER CHARGE ON SUCH PROPERTY, WHETHER BY INDORSEMENT OR OTHERWISE ...		Rs.	A.	P.
	When the amount paid or secured does not exceed Rs. 50	0	8	0
	When such amount exceeds Rs. 50 but does not exceed Rs. 100 ...	1	0	0
	For every Rs. 100 or part thereof in excess of Rs. 100 up to Rs. 1,000	1	0	0
	" " 500 " " " 1,000 " 10,000	5	0	0
	" " 1,000 " " " 10,000 " 30,000	5	0	0
	" " 10,000 " " " 30,000 " 1,00,000	50	0	0
	" " 20,000 " " " 1,00,000	75	0	0
18. INSTRUMENT OF EXCHANGE OR PARTITION OF IMMOVEABLE PROPERTY WHEN MONEY IS PAID FOR EQUALITY OF EXCHANGE OR PARTITION ...	... ...	The stamp-duty with which a conveyance for the amount so paid is chargeable (No. 15), in addition to the stamp-duty with which an instrument of exchange of immoveable property or a partition-deed is chargeable under schedule II.		

19. LEASE ...	(a). Where the lease is expressed to be for a term of less than one year	The stamp-duty with which a Bond (No. 5) for the total amount payable under such lease is chargeable.
	(b). Where the lease is expressed to be for a term of not less than one year but not more than three years	The stamp-duty with which a Bond for the total amount payable under such lease during the first year of the term is chargeable.
	(c). Where the lease is expressed to be for a term exceeding three years, or where no term is expressed	The stamp-duty with which a conveyance for the total amount payable under such lease during the first year of the term is chargeable.
	(d). Where the lease is granted in consideration of a fine or premium and where no rent is reserved	The stamp-duty with which a conveyance for the amount so paid is chargeable.
	(e). Where the lease is granted in consideration of a fine or premium and also of a rent	The stamp-duty with which a conveyance for the amount of the fine or premium is chargeable, in addition to the stamp-duty with which the lease would be chargeable in case no such fine or premium had been paid.
20. SURRENDER OF LEASE ...	(a). Where the amount of stamp-duty chargeable on the lease does not exceed Rs. 16	The stamp-duty with which the lease is chargeable (No. 19).
	(b). In any other case	Sixteen Rupees.

SCHEDULE I—(*continued*).

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.		Proper Stamp-duty.
21. APPRAISEMENT OR VALUATION— Of any property or of any interest therein Or of the annual or monthly value thereof ... ... Or of any repairs wanted ... ... Or of the materials used or to be used in any building ... Or of any Artificer's work	(*a*). Where the amount of such appraisement or valuation does not exceed Rs. 500	Eight Annas.
	(*b*). Where it exceeds Rs. 500	One Rupee.
22. AWARD ...	(*a*). Where the amount or value of the property in dispute expressed in such award does not exceed Rs. 500	Eight Annas.
	(*b*). Where such amount or value exceeds Rs. 500, or where no amount or value is expressed in the award	One Rupee.

23. COPY, DUPLICATE, OR EXTRACT, ATTESTED TO BE A TRUE COPY, DUPLICATE OR EXTRACT ...	(a). If the duty chargeable on the original does not exceed Rs. 5, or if no duty is chargeable on the original	Eight Annas.
	(b). If the duty chargeable on the original exceeds Rs. 5, but does not exceed Rs. 20...	One Rupee.
	(c). If such duty exceeds Rs. 20, but does not exceed Rs. 50 ...	Two Rupees.
	(d). If such duty exceeds Rs. 50	Four Rupees.

SCHEDULE I—*(continued)*.

Table showing the Stamp-duty chargeable under this Schedule on any Bill of Exchange or Promissory Note, the amount of which does not exceed Rs. 2,00,000.

When the amount exceeds		but does not exceed	Proper Stamp-duty. If drawn singly.		If drawn in sets of two, for each part of the set.		If drawn in sets of three, for each part of the set.	
Rs.	...	Rs. 100	Rs. 0	A. 1	Rs. 0	A. 1	Rs. 0	A. 1
100	...	200	0	2	0	1	0	1
200	...	300	0	3	0	2	0	1
300	...	600	0	6	0	3	0	2
600	...	900	0	9	0	5	0	3
900	...	1,200	0	12	0	6	0	4
1,200	...	1,500	0	15	0	8	0	5
1,500	...	2,500	1	8	0	12	0	8
2,500	...	5,000	3	0	1	8	1	0
5,000	...	7,500	4	8	2	4	1	8
7,500	...	10,000	6	0	3	0	2	0
10,000	...	15,000	9	0	4	8	3	0
15,000	...	20,000	12	0	6	0	4	0
20,000	...	25,000	15	0	7	8	5	0
25,000	...	30,000	18	0	9	0	6	0
30,000	...	40,000	24	0	12	0	8	0
40,000	...	50,000	30	0	15	0	10	0
50,000	...	60,000	36	0	18	0	12	0
60,000	...	70,000	42	0	21	0	14	0
70,000	...	80,000	48	0	24	0	16	0

SCHEDULE I—*(continued)*.

Table showing the Stamp-duty chargeable under this Schedule on any Bill of Exchange or Promissory Note, the amount of which does not exceed Rs. 2,00,000,—(concluded).

When the amount exceeds		but does not exceed	Proper Stamp-duty. If drawn singly.		If drawn in sets of two, for each part of the set.		If drawn in sets of three, for each part of the set.	
Rs. 80,000	...	Rs. 90,000	Rs. 54	A. 0	Rs. 27	A. 0	Rs. 18	A. 0
90,000	...	1,00,000	60	0	30	0	20	0
1,00,000	...	1,10,000	66	0	33	0	22	0
1,10,000	...	1,20,000	72	0	36	0	24	0
1,20,000	...	1,30,000	78	0	39	0	26	0
1,30,000	...	1,40,000	84	0	42	0	28	0
1,40,000	...	1,50,000	90	0	45	0	30	0
1,50,000	...	1,60,000	96	0	48	0	32	0
1,60,000	...	1,70,000	102	0	51	0	34	0
1,70,000	...	1,80,000	108	0	54	0	36	0
1,80,000	...	1,90,000	114	0	57	0	38	0
1,90,000	...	2,00,000	120	0	60	0	40	0

SCHEDULE I—*(continued).*

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000.

When such sum exceeds			but does not exceed	Proper Stamp-duty.		
Rs.	...	...	...	Rs. 25	Rs. 0	A. 2
25	...	...		50	0	4
50	...	...		100	0	8
100	...	...		200	1	0
200	...	...		300	1	8
300	...	..		400	2	0
400	...	...		500	2	8
500	...	...		600	3	0
600	...	...		700	3	8
700	...	...		800	4	0
800	...	...		900	4	8
900	...	...		1,000	5	0
1,000	...	...		1,500	7	8
1,500	...	...		2,000	10	0
2,000	...	...		2,500	12	8
2,500	...	...		3,000	15	0
3,000	...	...		3,500	17	8
3,500	...	...		4,000	20	0
4,000	...	...		4,500	22	8
4,500	...	...		5,000	25	0
5,000	...	...		5,500	27	8
5,500	...	...		6,000	30	0
6,000	...	...		6,500	32	8

SCHEDULE I—*(continued).*

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000,—(continued).

When such sum exceeds			but does not exceed	Proper Stamp-duty.		
Rs	6,500		Rs. 7,000	Rs	35	A. 0
	7,000	...	7,500		37	8
	7,500	... ...	8,000		40	0
	8,000	... ...	8,500		42	8
	8,500	... ...	9,000		45	0
	9,000	... ...	9,500		47	8
	9,500	..	10,000		50	0
	10,000	...	11,000		52	8
	11,000	...	12,000		55	0
	12,000	..	13,000		57	8
	13,000		14,000		60	0
	14,000	... ...	15,000		62	8
	15,000	...	16,000		65	0
	16,000	... ..	17,000		67	8
	17,000	.	18,000		70	0
	18,000	. ...	19,000		72	8
	19,000	..	20,000		75	0
	20,000	...	21,000		77	8
	21,000		22,000		80	0
	22,000	... ...	23,000		82	8
	23,000	. .	24,000		85	0
	24,000	... ...	25,000		87	8
	25,000	... ..	26,000		90	0

SCHEDULE I—*(continued)*.

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000,—(continued).

When such sum exceeds			but does not exceed	Proper Stamp-duty.		
Rs. 26,000	...	...	Rs. 27,000	Rs 92	A.	8
27,000	...		28,000	95		0
28,000	...		29,000	97		8
29,000	...	...	30,000	100		0
30,000	...	...	40,000	112		8
40,000	...	...	50,000	125		0
50,000	..	...	60,000	137,		8
60,000	.	...	70,000	150		0
70,000	...	..	80,000	162		8
80,000	...	...	90,000	175		0
90,000		...	1,00,000	187		8
1,00,000	..		1,10,000	200		0
1,10,000	...	...	1,20,000	212		8
1,20,000	..	...	1,30,000	225		0
1,30,000	.	. .	1,40,000	237		8
1,40,000		. .	1,50,000	250		0
1,50,000	.	...	1,60,000	262		8
1,60,000	...	...	1,70,000	275		0
1,70,000	.		1,80,000	287		8
1,80,000			1,90,000	300		0
1,90,000		...	2,00,000	312		8
2,00,000	. .	...	2,10,000	325		0
2,10,000	. .	...	2,20,000	337		8

SCHEDULE I—*(continued).*

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000,—(concluded).

When such sum exceeds			but does not exceed	Proper Stamp-duty.	
Rs. 2,20,000		...	Rs. 2,30,000	Rs. 350	A. 0
2,30,000	..		2,40,000	362	8
2,40,000	...	...	2,50,000	375	0
2,50,000		...	2,60,000	387	8
2,60,000		..	2,70,000	400	0
2,70,000	...	...	2,80,000	412	8
2,80,000	...	...	2,90,000	425	0
2,90,000	...	...	3,00,000	437	8
3,00,000		...	3,10,000	450	0
3,10,000	...	...	3,20,000	462	8
3,20,000	...	...	3,30,000	475	0
3,30,000	..	...	3,40,000	487	8
3,40,000	...	...	3,50,000	500	0
3,50,000	...	...	3,60,000	512	8
3,60,000	...	...	3,70,000	525	0
3,70,000	...	...	3,80,000	537	8
3,80,000	...	...	3,90,000	550	0
3,90,000	..	.	4,00,000	562	8

SCHEDULE I—*(continued).*

Table showing the Stamp-duty chargeable under this Schedule on any Conveyance the consideration-money set forth in which does not exceed Rs. 4,00,000.

When the amount of such consideration-money exceeds			but does not exceed	Proper Stamp-duty.	
Rs.	...	...	Rs. 50	Rs. 0	A. 8
50	.	...	100	1	0
100	...	...	200	2	0
200	...	...	300	3	0
300	...	..	400	4	0
400	...	...	500	5	0
500	...	...	600	6	0
600	...	...	700	7	0
700	...	...	800	8	0
800	...	...	900	9	0
900	...	...	1,000	10	0
1,000	...	...	1,500	15	0
1,500	...	...	2,000	20	0
2,000	...	...	2,500	25	0
2,500	...	...	3,000	30	0
3,000	...	...	3,500	35	0
3,500	..	...	4,000	40	0
4,000	...	..	4,500	45	0
4,500	. .	. .	5,000	50	0
5,000	..	...	5,500	55	0
5,500	...	. .	6,000	60	0
6,000	...	...	6,500	65	0
6,500	...	...	7,000	70	0
7,000	...	...	7,500	75	0

SCHEDULE I—*(continued).*

Table showing the Stamp-duty chargeable under this Schedule on any Conveyance the consideration-money set forth in which does not exceed Rs. 1,00,000,—(continued).

When the amount of such consideration-money exceeds			but does not exceed		Proper Stamp-duty.	
Rs. 7,500	.	...	Rs. 8,000		Rs. 80	A. 0
8,000	..	..	8,500		85	0
8,500	...	...	9,000		90	0
9,000	...	...	9,500		95	0
9,500	...	...	10,000		100	0
10,000	...	...	11,000		105	0
11,000	...	...	12,000		110	0
12,000	...	...	13,000		115	0
13,000	...	...	14,000		120	0
14,000	...	...	15,000		125	0
15,000	...	...	16,000		130	0
16,000	..	...	17,000		135	0
17,000	...	...	18,000		140	0
18,000	...	...	19,000		145	0
19,000	..	...	20,000		150	0
20,000	...	...	21,000		155	0
21,000	...	...	22,000		160	0
22,000	...	...	23,000		165	0
23,000	...	...	24,000		170	0
24,000	...	...	25,000		175	0
25,000	...	...	26,000		180	0
26,000	...	...	27,000		185	0
27,000	...	...	28,000		190	0
28,000	...	...	29,000		195	0

SCHEDULE I—*(concluded).*

Table showing the Stamp-duty chargeable under this Schedule on any Conveyance the consideration-money set forth in which does not exceed Rs. 4,00,000,—(concluded).

When the amount of such consideration-money exceeds			but does not exceed	Proper Stamp-duty.	
Rs. 20,000	...	...	Rs. 30,000	Rs. 200	A. 0
30,000	...	...	40,000	250	0
40,000	...	...	50,000	300	0
50,000	..	...	60,000	350	0
60,000	...	...	70,000	400	0
70,000	...	...	80,000	450	0
80,000	...	..	90,000	500	0
90,000	...	...	1,00,000	550	0
1,00,000	...	...	1,20,000	625	0
12,0,000	...	...	1,40,000	700	0
1,40,000	...	...	1,60,000	775	0
1,60,000	...	...	1,80,000	850	0
1,80,000	...	...	2,00,000	925	0
2,00,000	...	...	2,20,000	1,000	0
2,20,000	...	...	2,40,000	1,075	0
2,40,000	...	..	2,60,000	1,150	0
2,60,000	...	...	2,80,000	1,225	0
2,80,000	...	...	3,00,000	1,300	0
3,00,000	...	...	3,20,000	1,375	0
3,20,000	...	...	3,40,000	1,450	0
3,40,000	...	...	3,60,000	1,525	0
3,60,000	...	...	3,80,000	1,600	0
3,80,000	...	...	4,00,000	1,675	0

ACT No. XVIII OF 1869.

SCHEDULE II.

Instruments chargeable with fixed Stamp-duties.

Description of Instruments.	Proper Stamp-duty.
1.—BILL OF EXCHANGE, PROMISSORY NOTE, CHEQUE OR ORDER for the payment on demand of an amount exceeding twenty rupees	One Anna.*
2.—LETTER OF CREDIT	
3.—AGREEMENT OR MEMORANDUM OF AN AGREEMENT relating to the sale of any Government Security, share in a Company or Association, or Bill of Exchange	
4.—CERTIFICATE OR OTHER DOCUMENT purporting to denote the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any Company or Association, or proposed Company or Association, or to become proprietor of shares, scrip or stock in or of any such Company or Association	
5.—NOTE OR MEMORANDUM written in any book or written on a separate paper, whereby any account, debt or demand, or any part of any account, debt or demand therein specified, and amounting to twenty rupees or upwards, is expressed to have been balanced, or is acknowledged to be due	
6.—SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel	
7.—RECEIPT OR DISCHARGE given for or upon the payment of money, or delivery of goods, in satisfaction of a debt, the amount or value of which money or goods exceeds twenty rupees ...	
8.—PROXY to vote at any one meeting of—	
(*a*).—Members of a Company or Association whose stock or funds is or are divided into shares and transferable ...	
(*b*).—Municipal Commissioners	
(*c*).—Justices of the Peace, being a body corporate ...	
(*d*).—Proprietors, members or contributors to the funds of any institution	
9.—BILL OF LADING	Four Annas.
10.—DOCK-WARRANT	

* This duty may be denoted by an adhesive stamp.

SCHEDULE II—*(continued)*.

DESCRIPTION OF INSTRUMENTS.	PROPER STAMP-DUTY.
11.—ANY AGREEMENT OR MEMORANDUM OF AN AGREEMENT not otherwise provided for by this Act: Provided that where two or more letters are offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be stamped as an agreement. 12.—NOTICE OF PROTEST by the master of a ship ... 13.—POWER-OF-ATTORNEY to present for registration— (*a*).—A single instrument ... ... (*b*).—Any number of instruments required for the completion of a single transaction	Eight Annas.
14.—AFFIDAVIT not made for the immediate purpose of being produced in any Court ... ... 15.—COLLATERAL INSTRUMENT not otherwise provided for by this Schedule .. .. 16.—COUNTERPART OF ANY INSTRUMENT chargeable with stamp-duty under this Act: Provided that the counterpart shall not be available unless the Collector or such other officer as he may authorize in that behalf shall certify that the proper stamp-duty on the original instrument has been paid. Such certificate shall be endorsed on the counterpart on the same being produced together with the original instrument, and on the whole being duly executed and duly stamped in other respects ... ... 17.—INSTRUMENT OF DISSOLUTION OF PARTNERSHIP... 18.—POWER-OF-ATTORNEY for the performance of a single act when the value of the matter to be dealt with does not exceed five hundred rupees	One Rupee.
19.—POWER-OF-ATTORNEY for the performance of a single act when the value of the matter to be dealt with exceeds five hundred rupees ... ... 20.—BOND OR MORTGAGE-DEED executed as a collateral security for the performance of any act, where such performance is secured by some instrument previously executed on stamped paper in accordance with the law in force in British India at the time of its execution ... ... 21.—INSTRUMENT EVIDENCING AN AGREEMENT to secure the repayment on or before the expiration of three months from the date of such instrument of a loan made upon the deposit of title-deeds or other valuable security ... 22.—CHARTER-PARTY	Two Rupees.

SCHEDULE II—*(concluded)*.

Description of Instruments.	Proper Stamp-duty.
23.—NOTARIAL ACT	Two Rupees.
24.—PROTEST OF A BILL OF EXCHANGE OR PROMISSORY NOTE	
25.—PROTEST OF THE MASTER OR OWNER OF A SHIP	
26.—INSTRUMENT OF CO-PARTNERSHIP	Four Rupees.
27.—RECONVEYANCE OF MORTGAGED PROPERTY, when the original mortgage-deed has been stamped in accordance with the law in force in British India at the time of its execution	
28.—COMPOSITION-DEED	Eight Rupees.
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33.—ARTICLES OF ASSOCIATION of a Company	Sixteen Rupees.
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35.—APPOINTMENT in execution of a power, whether of Trustees, or of property, moveable or immoveable, where made by any writing not being a Will	
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40.—PETITION FOR LEAVE TO FILE A SPECIFICATION OF AN INVENTION, or for the extension of the term of the exclusive privilege of making, using or selling such invention in India	One hundred Rupees.
41.—ARTICLES OF CLERKSHIP or contract whereby any person shall first become bound to serve as a clerk in order to his admission as an Attorney in any High Court	Five hundred Rupees.

ACT No. XVIII of 1869.

SCHEDULE III.

Repd by Act xiv/70

Enactments repealed by Section 2.

No and date of Act	Title of Act.	Extent of repeal.
Act XIV of 1840.	An Act for rendering a written memorandum necessary to the validity of certain promises and engagements by extending to the territories of the East India Company, in cases governed by English law, the provisions of the Statute 9 Geo. IV., cap. XIV.	Section 8.
„ XVIII of 1856.	An Act relating to the administration of the public revenues in the Town of Calcutta.	So much of the preamble as relates to stamp-duty, and section 2.
„ XIX of 1858.	An Act to provide for the authentication of stamped paper issued from the Stamp Office in Calcutta.	The whole.
XLI of 1858.	An Act to amend Regulation X. 1829 of the Bengal Code (for the collection of Stamp duties).	The whole.
„ XV of 1859.	An Act for granting exclusive privileges to inventors.	Section 37.
X of 1862.	An Act to consolidate and amend the law relating to Stamp duties.	Sections 1 to 25 both inclusive, sections 27, 28, 29, sections 34 to 57 both inclusive, and schedule A.
XXVI of 1867.	An Act to amend the law relating to Stamp duties.	Section 5.

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(Nothing hereinafter contained shall be deemed to have the force of law).

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Office Supt. Govt. Printing.—No. 3147 27-9-89.—4,000.

ACT No. XIX OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd September 1869).

An Act to facilitate administration to the estates of deceased British subjects in the Hyderabad Assigned Districts.

Preamble.

WHEREAS under the Administrator General's Act, 1867, the Administrator General of Madras is, in the cases therein mentioned, entitled to administer to the estates of deceased British subjects in the Hyderabad Assigned Districts; and whereas the facilities of communication between the said Districts and Bombay are now greater than those between the said Districts and Madras, and it is therefore expedient to substitute, so far as regards the said estates, the Administrator General of Bombay for the Administrator General of Madras; It is hereby enacted as follows:—

Alterations of Act XXIV of 1867, sec. 3.

1. The definition of "Presidency of Madras" contained in the third section of the Administrator General's Act, 1867, shall be read as if the words "and the Hyderabad Assigned Districts" were omitted therefrom;

and the definition of "Presidency of Bombay" contained in the same section shall be read as if the following words were added thereto (that is to say) "and also, so far as regards British subjects, the Hyderabad Assigned Districts."

Saving of probates and administrations already granted to Administrator General of Madras.

2. Nothing in this Act shall affect the rights, powers or duties of the Administrator General of Madras, under or by virtue of any probate or letters of administration heretofore granted to him.

PRICE TWO ANNAS.

Office Supdt Govt Printing.—No. 367 L. C—11 9-69.—4,000

ACT No. XX OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th September 1869).

AN ACT *to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.*

Preamble.

WHEREAS many loyal subjects of Her Majesty have volunteered their services for the protection of life and property and the preservation of the peace, and have with the sanction of Government associated and enrolled themselves as Military Corps under the command of officers appointed for that purpose; and it is expedient to provide for the good order and discipline of such corps, and to invest their members with certain powers; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Indian Volunteers' Act, 1869."

Extent of Act.

2. This Act shall extend to the whole of British India and (so far as regards British subjects) to the dominions of Native Princes and States in alliance with Her Majesty.

Repeal of Act XXIII of 1857.

3. Act No. XXIII of 1857 (*to provide for the good order and discipline of certain Volunteer Corps, and to invest them with certain powers*) is hereby repealed.

"Magistrate."

4. In this Act "Magistrate" means, within the limits of the Presidency Towns, a Magistrate of Police and, without those limits, a person exercising the full powers of a Magistrate.

Formation and Dissolution of Volunteer Corps.

Formation of corps.

5. Corps of Volunteers may, with the sanction of the Governor General of India in Council, or of the Local Government, be formed in any part of British India or of the said dominions.

6. A

PRICE THREE ANNAS.

Certificate of Commanding Officer to be evidence of enrolment.

6. A certificate of enrolment in such corps, signed by the Commanding Officer thereof, shall be *primâ facie* evidence of such enrolment.

Power to disband corps or remove members

7. The Governor General of India in Council or the Local Government may disband any corps formed or enrolled under the provisions of this Act, or of Act No. XXIII of 1857, or remove from such corps any member thereof.

Application of Articles of War.

Volunteers subjected to Articles of War so far as they apply to officers.

8. Every member of a corps of Volunteers shall, for all military offences of which he shall be guilty whilst on actual duty or on parade, be subject to the Articles of War for the time being in force for the better government of Her Majesty's Army, so far as the same are applicable to officers and consistent with the provisions of this Act:

Proviso.

Provided that no such member shall for any offence against the said Articles be subject to the punishment of death.

Courts Martial.

Appointment of and sentences by General Courts Martial.

9. General Courts Martial shall be convened and appointed by the Commanding Officer of the corps, with the sanction of the Local Government, for the trial of military offences of which any member of such corps shall be guilty whilst on actual duty.

No sentence of such Court Martial shall be put into execution until after a report of the whole proceedings shall have been made to, and the sentence shall have been confirmed by, the Local Government.

The Local Government may commute any such sentence for a less punishment, or pardon the offender.

General Courts Martial of whom to be composed.

10. General Courts Martial shall consist of not less than nine members of the corps, and every member of the corps, whether an officer or not, shall be competent to sit and act as a member of such Court Martial.

11. Regimental

Regimental Courts Martial.

11. Regimental Courts Martial may be convened by the Commanding Officer of the corps, and shall consist of not less than three members of the corps.

Procedure of Courts Martial held under this Act.

12. The proceedings of Courts Martial convened under this Act shall be conducted according to the laws and customs applicable to Courts Martial held under the said Articles of War, except so far as the same are inconsistent with the provisions of this Act.

Withdrawal from Corps.

Power to quit the corps.

13. Any person enrolled as a member of a corps of Volunteers, whether he shall have been elected or commissioned as an officer in such corps or not, may, except whilst on actual duty, quit the corps upon giving to the Officer Commanding the corps seven days' previous notice in writing of his intention so to do, or without such notice if the Commanding Officer of the corps shall consider it reasonable and allow him so to do.

Commissions to officers to cease on retirement or dismissal.

14. Every commission to any member of a corps of Volunteers appointing him an officer in such corps shall cease upon his retirement or dismissal from the corps.

Delivery of arms belonging to Government by members quitting the corps.

15. Every member of a corps of Volunteers who shall have received any arms, ammunition, accoutrements, or uniform belonging to Government, or which shall have been furnished from the public stores, or at the public expense, shall, upon his quitting such corps,

or upon his dismissal therefrom,

or whenever he shall be required so to do by the Commanding Officer of the corps,

or whenever the corps shall be disbanded,

deliver up to the Commanding Officer or such person as he shall appoint to receive the same, all such arms, ammunition, accoutrements, and uniform in good order and condition, reasonable wear thereof only excepted;

and in default thereof he shall pay such sum of money as shall be adjudged by a Regimental Court Martial to be assembled for that purpose by the Commanding

manding Officer of the corps. A copy of such adjudication, signed by the President of the Court Martial, shall be sent to the principal Court of original civil jurisdiction in the district in which the adjudication shall have been given, and shall be executed by such Court as if it were a decree for money under the Code of Civil Procedure.

Local Limits of Service.

No member bound to serve beyond certain distance.

16. No member of a corps of Volunteers shall be bound, without his consent, to serve or proceed on duty beyond the limits within which he shall have voluntarily engaged to serve or proceed on duty in accordance with the terms upon which the corps to which he belongs shall have been constituted; and in case no such limits shall have been fixed, he shall not be liable to serve or proceed on duty beyond four miles from the place at which he was enrolled.

Rules.

Commanding Officer to frame rules which shall be binding on the members

17. The Commanding Officer of every corps of Volunteers may frame such general rules as he may think fit for regulating the times at which and the manner in which the duties of the corps and of the several members or detachments thereof shall be discharged.

Such rules, when sanctioned by the Local Government, shall be binding on the corps and on the several members thereof.

Penalties.

Not attending actual duty other than drill or parade.

18. If any member of a corps of Volunteers, being warned for actual duty other than drill or parade, shall, without reasonable excuse, neglect to attend such duty, he shall be liable, upon conviction by a General Court Martial, to a fine not exceeding one hundred rupees, or to simple dismissal from the corps, or to dismissal from the corps as unworthy to belong to it.

Not attending drill or parade.

19. If any member of such corps shall without reasonable excuse neglect to attend drill or parade at such times as may be appointed for that purpose,

or

or shall be guilty of any neglect of duty or other military offence which in the judgment of the Commanding Officer of the corps will be sufficiently punished by a small fine,

Other minor military offence.

he shall be liable to pay such fine, not exceeding fifty rupees, as a Regimental Court Martial shall impose.

20. If any member of such corps shall neglect or refuse to pay any fine to which he shall be sentenced by any Court Martial, within such time as shall be fixed by the Commanding Officer of the corps, he may be dismissed by the said Commanding Officer from the said corps; and every such dismissal shall be recorded and reported to the Local Government.

Punishment for non-payment of fine.

21. Whoever assaults or resists, or abets within the meaning of the Indian Penal Code any person in assaulting or resisting, any member of such corps in the discharge of his duty, shall be punishable, on conviction before a Magistrate, with fine not exceeding two hundred rupees, or with imprisonment for any term not exceeding six months, or with both.

Penalty for assaulting or resisting Volunteers in discharge of their duty.

22. In default of payment of any fine imposed by a Court Martial under this Act, a copy of the sentence of the Court Martial imposing the fine, signed by the President of such Court, may be sent to a Magistrate in the Presidency Town or the District in which the fine shall have been imposed, who shall thereupon cause the fine to be recovered as if he had himself imposed it.

Recovery of fines.

Fines imposed under section twenty-one may be recovered, if for offences committed outside the limits of the Presidency Towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time being.

Powers of Volunteers.

23. Any member of a corps of Volunteers, whenever he may be in discharge of his duty as a member of the corps, and wheresoever he may then be, may disarm any person not being in Her Majesty's Military or Naval service or a Police officer, found between sunset

Power to disarm persons.

sunset and sunrise in any public street, thoroughfare, or other public place, armed with a sword, spear, gun, or other warlike instrument, without a pass or license for that purpose from the Commissioner of Police or other officer authorized by Government to grant the same;

and may also disarm any person found armed at any time contrary to law or to any order of Government in any public street, thoroughfare, or other public place;

And to apprehend and deliver to police.

and may also apprehend and deliver over to a Police officer any person so found armed in order that he may be dealt with according to law;

Forfeiture of weapons seized

and the weapon so seized shall be forfeited to Government or otherwise dealt with according to law, or to the orders of Government.

Power to prevent disturbances of the public peace.

To disperse unlawful assemblies

24. Any member of such corps, whenever he is on duty, may prevent any disturbance of the public peace, and disperse any persons whom he may find assembled together to the number of five or more without reasonable cause between sunset and sunrise in any public street, thoroughfare, or other public place in which such member of the said corps may be in the discharge of his duty,

To apprehend certain suspected persons.

and may also apprehend any person reasonably suspected of having committed, or being about to commit any offence against the State, or of having abetted within the meaning of the Indian Penal Code, or being about to abet, any other person in the commission of such offence; and deliver him over to some Police officer.

Miscellaneous.

Exemption from horse-tax.

25. Every mounted officer, and every mounted orderly of a corps of Volunteers, and every member of such corps, while he belongs to a troop of cavalry in such corps, shall be at liberty to keep one horse without being liable to pay in respect thereof any municipal or other tax imposed upon horses.

26. No

Limitation of suits

26. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act ~~or the~~ said ~~Act No. XXIII of~~ 1857, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of ~~three months from the accrual of the cause of suit or other proceeding.~~

Repd by Act IX 1871

Office Supdt Govt. Printing.—No. 3946 L. C.—25-9-69.—3,500.

THE EUROPEAN VAGRANCY ACT, 1869.

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ACT No. XXI OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th September 1869).

An Act to provide against European Vagrancy.

Preamble.

WHEREAS numerous persons of European extraction are at present wandering in a destitute condition throughout India, and whereas such conduct is prejudicial to public order, and it is expedient to prevent the same; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The European Vagrancy Act, 1869."

Commencement and extent of Act.

2. Sections three, seventeen, eighteen, twenty-one, twenty-two, twenty-three, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three and thirty-four shall come into operation at once, and shall extend to the whole of British India and to the dominions of Princes and States in India in alliance with Her Majesty:

Sections twenty-five, twenty-six and thirty-one shall come into operation on the first day of January 1870, and shall extend to the whole of British India and to the said dominions:

And the rest of this Act shall come into operation in such parts of British India and of the said dominions and on such day or respective days as the Governor General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

3. In

Interpretation-clause

3. In this Act—

"Person of European extraction"

"Person of European extraction" includes Americans and Australasians:

"Vagrant"

"Vagrant" means a person of European extraction found asking for alms, or wandering about without any employment or visible means of subsistence:

"Master of a ship"

"Master of a ship" includes any person in charge of a decked vessel:

"Magistrate"

And in Parts III and V of this Act "Magistrate" means, within the limits of the towns of Calcutta, Madras and Bombay, a Magistrate of Police, and, outside those limits, a person exercising powers under the Code of Criminal Procedure not less than those of a Subordinate Magistrate of the first class.

PART II.

PROCEDURE.

Power to require apparent vagrant to go before Police Magistrate, or Justice of the Peace with full powers of a Magistrate.

4. Any Police officer may, within the limits of the towns of Calcutta, Madras and Bombay, require any person who is apparently a vagrant to accompany him or any other Police officer to and to appear before the nearest Magistrate of Police, and may, without those limits, require any such person to accompany him or any other Police officer to and to appear before the nearest Justice of the Peace exercising the full powers of a Magistrate under the Code of Criminal Procedure.

Summary inquiry into vagrant's circumstances.

5. The Magistrate of Police or Justice shall make a summary inquiry into the circumstances and character of the alleged vagrant; and if he is satisfied that such person is a vagrant, he shall record in his office a declaration to that effect.

Order to go to workhouse.

If he is further of opinion that the vagrant is not likely to obtain employment at once, or if he has reason to believe that a declaration of vagrancy has on any former occasion been recorded in respect of such vagrant, he shall require the vagrant to go to a Government workhouse and shall draw out an order to that effect.

The

The vagrant shall then be placed in charge of the Police for the purpose of being forwarded to the work-house, and the said order shall be a sufficient authority to the Police for retaining him in their charge while he is on his way to the work-house, and to the governor of the work-house for receiving and detaining such vagrant.

Forwarding vagrant to place of employment.

6. Where the officer making the inquiry mentioned in section five is of opinion that the vagrant is likely to obtain employment in any place subject to the Local Government or (when the vagrant is in any part of the said dominions) in any place subject to the nearest Local Government, such officer may in his discretion forward the vagrant to such place in charge of the Police and draw up an order to that effect.

Such order shall be a sufficient authority to the Police for retaining the vagrant in their charge while he is on his way to such place of employment.

Assistance to obtain employment.

7. Upon his arrival at the place of employment, the vagrant shall be taken before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, to whom the order for transmission shall be delivered.

Such officer shall thereupon, to the best of his ability, assist the vagrant in seeking employment, and may in the meantime, if he think fit, keep the vagrant in the charge of the Police.

Should the vagrant fail to obtain suitable employment within a reasonable time not exceeding fifteen days from such arrival, such officer shall forward him to a Government work-house in the manner provided by section five.

Subsistence allowance.

8. Every person while in charge of the Police, whether before inquiry as to his vagrancy, or while he is on his way, under section five, to the work-house, or, under section six, to a place of employment, shall be entitled to an allowance for his subsistence at the rate of eight annas per diem.

The Magistrate of Police or Justice, before whom any vagrant is taken under section seven, may, if he think fit, order the vagrant to receive a similar allowance while he is seeking employment.

The

The Local Government shall cause such allowance to be paid out of such funds at its disposal and in such manner as it may from time to time direct.

Power to give certificates.

9. Any Magistrate of Police or Justice of the Peace exercising full powers as aforesaid may, on being satisfied that any person of European extraction is not likely to become a vagrant, give such person a certificate under his hand stating that for a certain time (mentioning it) not exceeding six months from the date of the certificate, and within certain limits (mentioning them), nothing in sections four, five, six and seven shall apply to the holder of such certificate; and thereupon (subject to the provisions contained in sections twenty-three and twenty-four) nothing in sections four, five, six and seven shall apply to such person for such time and within such limits as aforesaid.

Form of certificate.

Every such certificate shall be in the form set forth in the first schedule to this Act annexed, or as near thereto as circumstances will admit.

Power to invest Justices, District Superintendents of Police, &c., with jurisdiction of full power Justices under Part II.

10. The Local Government may from time to time, by notification in the official Gazette, invest any Justice of the Peace, District Superintendent of Police, or Assistant District Superintendent of Police with the jurisdiction and powers conferred by this Part on a Justice of the Peace exercising full powers as aforesaid.

PART III.

GOVERNMENT WORK-HOUSES.

Provision of Government work-houses.

11. The Local Government, with the previous sanction of the Governor General of India in Council, may provide work-houses, with their necessary furniture and establishment, at such places as it may think proper, for the temporary reception of vagrants, or may by writing under the hand of a Secretary to such Government, certify any building, or part of a building not provided as a work-house under the former part of this section, to be fit for a work-house for the purposes of this Act. Every such certificate shall be published in the local official Gazette, and thereupon such building or part of a building shall, until the Local Government otherwise orders, be deemed a Government work-house under this Act.

The

The Local Government shall allow the same scale of diet for the support of vagrants received in such work-houses as is for the time being allowed for Europeans confined in the local prisons or penitentiaries.

Scale of diet.

12. Every such work-house shall be under the immediate charge of a governor, who shall be appointed and may be suspended or removed by the Local Government.

Superintendence of work-houses.

Every such governor shall, if the Local Government think fit, be subject to the orders of a Committee of Management appointed from time to time by such Government, or, in the absence of a Committee, to the orders of such officer as the Local Government shall from time to time appoint in this behalf.

13. Every such governor may order that any vagrant admitted to the work-house under his charge shall be searched, and that the vagrant's bundles, packages and other effects shall be inspected, and may direct that any money then found with or on the vagrant, shall be applied (subject to the orders of the Local Government) towards the expense of carrying this Act into execution, and may order that all or any of the said effects shall be sold, and that the produce of the sale be applied as aforesaid, but subject to the like orders.

Search of vagrants.

14. Vagrants admitted to work-houses under this Act shall be subject to such rules of management and discipline as may from time to time be prescribed by the Local Government with the previous sanction of the Governor General of India in Council.

Discipline.

Any vagrant who knowingly disobeys or neglects any such rule, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to three months.

15. The governor and the Committee of Management (if any) of every such work-house shall use his and their best endeavours to obtain outside the work-house suitable employment for the vagrants admitted thereto.

Refusal to accept employment.

When such employment is obtained, any such vagrant refusing or neglecting to avail himself thereof, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to one month.

PART IV.

PART IV.

REMOVAL FROM INDIA.

Removal of vagrants.

Cost of removal.

16. If after the lapse of a reasonable time no suitable employment is obtainable for any such vagrant, the Local Government may either (when he shall have entered into such agreement as hereinafter mentioned) cause him to be removed from British India in manner hereinafter provided, the cost of such removal being paid by Government;

or it may cause sections twenty-three and thirty to be read to him and may then release him.

Agreements with vagrants.

17. Any vagrant or other person of European extraction may enter into an agreement in writing with the Secretary of State for India in Council, binding himself—

(*a.*) to proceed to such port in British India as shall be mentioned in the agreement;

(*b.*) there to embark on board such ship and at such time as shall be directed by an officer appointed in this behalf by the Local Government of the territories in which such port is situate, for the purpose of being removed from India at the expense of the said Secretary of State in Council;

(*c.*) to remain on board such ship until she shall have arrived at her port of destination; and

(*d.*) not to return to India until five years shall have elapsed from the date of such embarkation.

Form of agreement.

Every such agreement may be on unstamped paper and shall be in the form set forth in the second schedule to this Act annexed, or as near thereto as circumstances will admit.

Power to perform agreement.

18. The Local Government of the territories in which the said port is situate may enter into such contracts for conveyance or otherwise, and perform such other acts as may be necessary to carry out such agreement on the part of the said Secretary of State in Council.

PART V.

PENALTIES.

Refusal to go before Police Magistrate or Justice.

19. Any person refusing or failing to accompany a Police officer to, or to appear before, a Magistrate of Police or Justice of the Peace, for the purpose of preliminary inquiry, when required so to do under section four, shall be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with imprisonment for a term which may extend to one month, or with fine, or with both.

Assaulting Police.

And any person who, when required under section four to accompany a Police officer to, or to appear before a Magistrate of Police or Justice of the Peace, commits an offence punishable under section three hundred and fifty-three of the Indian Penal Code, may, whether he be or be not an European British subject, be tried by a Magistrate for such offence.

Escaping from Police.

20. Any vagrant escaping from the Police while committed to their charge under the orders specified in sections five and six,

Quitting work-house without leave.

or leaving a work-house under this Act without permission from the governor,

shall for every such offence be punishable, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

Failing to proceed to port of embarkation.

21. Any person entering into an agreement under section seventeen and failing to proceed in pursuance thereof to the port therein mentioned,

Refusing to go on boardship.

or refusing to embark when directed so to do under the same section,

Escaping from ship.

or escaping from the ship in which he has so embarked before she shall have reached her port of destination,

shall for every such offence be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to six months.

22. Any

Returning to India.

22. Any person returning to India within five years of the date of his embarkation pursuant to any agreement entered into under section seventeen, unless specially permitted so to do by the Secretary of State for India, shall for every such offence be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

Begging.

23. Any person of European extraction found asking for alms when he has sufficient means of subsistence,

or asking for alms in a threatening or insolent manner,

or continuing to ask for alms of any person after he has been required to desist,

shall be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term not exceeding one month for the first offence, two months for the second, and three months for any subsequent offence.

Procedure on close of imprisonment.

24. Every person imprisoned under section nineteen, twenty, twenty-one, twenty-two or twenty-three shall, at the end of his term of imprisonment, be placed before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, who shall, if he think fit, forthwith deal with him in the manner prescribed by sections five and six.

The order of transmission shall certify the fact of the previous conviction.

Penalty on shipmaster bringing European convicts to India

25. Every master of a ship landing or allowing to land in any part of British India any person of European extraction who has been convicted in any other part of Her Majesty's dominions of felony or of an offence which, if committed in England, would be felony, shall, on conviction before a Magistrate, be liable, for every person so landed or allowed to land, to pay a fine not exceeding five hundred rupees and not less than one hundred rupees, and, in default of payment, to imprisonment for any term not exceeding two months,

unless the defendant shall satisfy the Magistrate by evidence (which the defendant is hereby declared competent to give), that he had made due enquiry as to the person so landed or allowed to land, and that he had no reason to believe that such person had been convicted as aforesaid.

The

Power to exempt certain shipmasters.

The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, exempt from the operation of the former part of this section the masters of any class of ships, on such terms as to the said Governor General in Council shall seem fit, and whether in respect of all or of any part of the persons on board such ships.

The said Governor General in Council may in like manner revoke any exemption made under this section.

Recovery of fines.

26. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Payment of fines.

All fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

Prosecutions.

27. All prosecutions under this Act may be instituted and conducted by such officer as the Local Government shall from time to time appoint.

Limits of jurisdiction.

28. In imposing penalties under this Part and Part III of this Act, no person shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure in the case of offenders not being European British subjects.

Validity of proceedings where Police Magistrate or Justice is not the nearest.

29. No proceeding under this Act shall be deemed invalid by reason only that the Magistrate of Police or Justice, before whom a person apparently a vagrant was required to appear, or before whom a person was placed under section twenty-four, was not the nearest.

PART VI.

PART VI.

Miscellaneous.

Deprivation of privileges of European British subjects under Criminal Procedure Code.

30. Any European British subject who, upon the summary enquiry mentioned in section five, has been determined to be a vagrant, or who has been convicted under section twenty-two or section twenty-three, shall, so long as he remains in India, be subject, beyond the limits of the said towns, to the provisions of the Code of Criminal Procedure (other than those contained in chapter XIX of the same Code) applicable to an European not being a British subject.

*Chap. 38 & Act 10 of 72

If from any cause he is committed or held to bail by a Justice of the Peace to take his trial before a High Court, he shall not be at liberty to object to the jurisdiction of such Justice of the Peace or High Court on the ground of anything contained in the former part of this section.

An office copy of the declaration recorded under section five shall be *primâ facie* evidence that the European British subject named therein has been, upon such enquiry, determined to be a vagrant.

Sec read with Act 28 of 1871

Liability of importers of Europeans or employers of soldiers becoming vagrants.

31. Whenever any person of European extraction lands in India,

or, being a Non-Commissioned Officer or Soldier in Her Majesty's army, leaves that army in India,

under an engagement to serve any other person, or any Company, Association or Body of persons in any capacity,

and becomes chargeable to the State as a vagrant within one year after his arrival in India or leaving the Army, as the case may be, then the person, or Company, Association or Body, to serve whom he has so landed in India or left the army, shall be liable to pay to the Government the cost of his removal under this Act and all other charges incurred by the State in consequence of his becoming a vagrant.

Such

Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Secretary of State for India in Council, by the person, Company, Association or Body chargeable.

Recovery of charges.

X3/A

32. The powers and duties conferred and imposed by sections sixteen and eighteen on a Local Government may be exercised and performed by such class of officers as the Local Government shall from time to time, by notification in the official Gazette, appoint in this behalf.

Exercise of powers conferred on Local Government.

33. The powers and duties conferred and imposed by this Act on Magistrates, Justices of the Peace exercising the full powers of a Magistrate, and Police officers respectively may, in places beyond the limits of British India, be exercised and performed by such persons respectively as the Governor General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

Exercise in Native States of powers conferred on Magistrates, Justices and Police.

34. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement.

Power to make rules for guidance of officers.

All such rules shall be published in the *Gazette of India*.

THE FIRST SCHEDULE.

(See Section 9.)

WHEREAS *E. F.* of a person of European extraction and holder of this certificate, has appeared before me and satisfied me that he is not likely to become a vagrant within the meaning of the European Vagrancy Act, 1869, THESE ARE TO CERTIFY that for the space of months from the date hereof and within the Province [*or* District] of nothing in sections four, five, six and seven of the same Act shall be deemed to apply to him, unless he is found asking for alms when he has sufficient means of subsistence, or asking for alms in a threatening or insolent manner, or continuing to ask for alms of any person after he has been required to desist: IN ANY OF WHICH CASES he shall be liable to be imprisoned and otherwise dealt with as provided in sections twenty-three and twenty-four of the said Act.

Dated this day of 18 . (Signed) *G. H.*

Magistrate of Police for the Town of *or* Justice of the Peace for exercising the full powers of a Magistrate.

THE

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ACT No. XXI OF 1869.

THE SECOND SCHEDULE.

(See Section 17.)

ARTICLES OF AGREEMENT made this day of 18 BETWEEN the Secretary of State for India in Council of the one part and *C. D.* of &c., [*the vagrant*] of the other part: Each of the parties hereto (so far as relates to the acts on his own part to be performed) hereby agrees with the other of them as follows :—

1. The said *C. D.* shall proceed forthwith to the port of [*the port of embarkation.*]

2. The said *C. D.* shall there embark on board such ship and at such time as an officer appointed in this behalf by the Local Government shall direct.

3. The said *C. D.* shall remain on board such ship until she shall have arrived at her port of destination.

4. The said *C. D.* shall not return to India until five years shall have elapsed from the date of such embarkation, unless specially permitted so to return by the said Secretary of State.

5. The said Secretary of State in Council shall defray the cost of the transit of the said *C. D.* to the said port, and of his lodging and subsistence during such transit and during his detention (if any) at the same port, and shall contract with the owner of the said ship or his agent for the passage of the said *C. D.* on board the said ship, and for his subsistence during the voyage for which he shall embark as aforesaid.

IN WITNESS whereof *A. B.* (by order of the Governor General of India in Council [*or* the Governor of in Council, *or* the Lieutenant-Governor of , *or* the Chief Commissioner of], on behalf of the said Secretary of State in Council), and the said *C. D.* have hereunto set their hands the day and year first above-written.

Office Supdt. Govt. Printing.—No. 4193 L. C.—7-10-69 —4,000.

ACT No. XXII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th September 1869).

AN ACT *to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts and for other purposes.*

Preamble.

WHEREAS it is expedient to remove the territory commonly known as the Gáro Hills from the jurisdiction of the Civil, Criminal and Revenue Courts and offices established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Gáro Hills Act, 1869."

Commencement of Act.

2. This Act shall come into operation on such day as the Lieutenant-Governor of Bengal shall, by notification in the *Calcutta Gazette*, direct.

Rep. by Act XIV/70

Repeal of enactments.

Proviso.

3. On and after such day, Act No. VI of 1835 (so far as it relates to the Khási Hills therein termed 'Cossyah' Hills), and the Bengal Regulation X of 1822 shall be repealed: Provided that such repeal shall not affect any settlement of land-revenue or other matters made under the latter enactment with zamíndárs or other persons in any place to which this Act applies.

Gáro Hills removed from operation of general Regulations and Acts.

4. Save as hereinafter provided, the territory known as the Gáro Hills, bounded on the north and west by the District of Gawálpárá, on the south by the District of Mymensingh as defined by the Revenue Survey, and on the east by the Khási Hills, is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature and from the control of the offices of revenue constituted by the Regulations of the Bengal Code and the Acts passed by any legislature now or heretofore established in British India, as well as from the law prescribed for the said Courts and offices by the Regulations and Acts aforesaid;

And

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And no Act hereafter passed by the Council of the Governor General for making Laws and Regulations shall be deemed to extend to any part of the said territory unless the same be specially named therein.

Administration of justice and settlement and collection of revenue vested in certain officers.

5. The administration of Civil and Criminal justice and the superintendence of the settlement and realization of the public revenue and of all matters relating to rent within the said territory, are hereby vested in such officers as the said Lieutenant Governor may, for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint. The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant Governor and be guided by such instructions as he may from time to time issue.

Place of imprisonment or transportation.

6. Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea, under any order or sentence passed by any officer or Court empowered as provided in this Act, may be imprisoned in any civil or criminal jail, or transported to any place, which the said Lieutenant Governor may direct.

Power to prevent private collection of cesses.

7. The said Lieutenant Governor may prevent, by such means as he shall think fit, the collection by zamíndárs or other persons of any cesses, tributes, or exactions, on whatsoever pretence the same may be levied, from the inhabitants of the said territory, and may make arrangements either for the remission of such cesses, tributes and exactions, or for their collection direct by the officers of Government, making such compensation to zamíndárs or others justly entitled thereto, for the relinquishment of the same, as may to him seem proper.

Compensation.

Power to extend laws to Gáro Hills.

8. The said Lieutenant Governor may, from time to time, by notification in the *Calcutta Gazette*, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by the Council of the Governor General or of the said Lieutenant Governor for making Laws and Regulations,

and may on making such extension direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

9. The

Power to extend Act to Jintiá and Nága Hills, and to British portion of Khási Hills.

9. The said Lieutenant Governor may, from time to time, by notification in the *Calcutta Gazette*, extend, *mutatis mutandis*, all or any of the provisions contained in the other sections of this Act to the Jintiá Hills, the Nága Hills, and to such portion of the Khási Hills as for the time being forms part of British India.

Every such notification shall specify the boundaries of the territories to which it applies.

Questions of disputed boundary.

10. Whenever a question arises whether any place falls within the boundary of the territory described in section four or within the boundary of any of the territories to which provisions of this Act may be extended under section nine, such officers as the said Lieutenant Governor shall from time to time appoint may consider and determine on which side of the boundary such place may lie, and the order made thereon by such officer shall be final.

Office Supdt. Govt. Printing.—No. 4182 L. C.—8-10-69.—3,000

Repd by Act X VI of 1870

ACT No. XXIII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th November 1869).

An Act to enhance the duties leviable under the Indian Income Tax Act.

Commencement and continuance of Act.

1. This Act shall come into operation on the first day of December 1869, and shall continue in force to the thirty-first day of March 1870.

Enhancement of duty on salaries.

2. Section six of the Indian Income Tax Act shall, in respect of salaries, pensions and annuities payable on or after the first day of December 1869, be construed as if, for the words "one per centum," the words "two and a half per centum" were substituted.

Whenever the additional duty leviable under the former part of this section in December 1869 is not deducted at the time of payment in that month from the pay, annuity or pension chargeable therewith, such additional duty shall be deducted from the pay, annuity or pension aforesaid at the time of payment in January 1870.

Proviso as to duty on aggregate amount of salaries for the half year commencing 1st October 1869.

3. Nothing in the last preceding section shall authorise the deduction of duty exceeding two per centum on the aggregate amount of any salaries, annuities or pensions chargeable under Part II of the said Act in the six months commencing on the first day of October 1869.

Enhancement of duty paid by Companies.

4. In addition to the sum of one per centum payable or paid under section ten of the said Act, the Treasurer, Secretary or principal Agent or Manager in India of every Company therein referred to shall, on the first day of December 1869, pay to Government one-half per centum on the moiety or the whole (as the case may be) of the nett profits of such Company chargeable under the same section.

Every

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Every such payment shall be deemed to be a payment required by the said section ten.

Enhancement of duty on income.

5. In addition to the duty leviable or levied on income and profits under Part IV of the said Act, there shall be levied one moiety of the duty imposed by the said Part on such income or profits, and such moiety shall be payable on the first day of December 1869, and shall be deemed to be duty leviable under the said Part IV.

Service of supplementary notice.

6. When a notice has been already served under section sixteen of the said Act on a person chargeable with additional duty under the last preceding section, a supplementary notice shall be served upon him; and the provisions as to notices and receipts, contained in the said Act shall, *mutatis mutandis*, apply respectively to such supplementary notices and to receipts granted for payments in pursuance thereof.

Bar of petitions in respect of additional duty.

7. No person shall be entitled, in respect only of the additional duty with which he is assessed under this Act, to apply by petition under section nineteen of the Indian Income Tax Act.

This Act to be read with Act IX of 1869.

8. This Act shall be read with and taken as part of the Indian Income Tax Act.

Office Supdt. Govt. Printing.—No. 5238 L. C.—27-11-69.—1,000.

ACT No. XXIV OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th December 1869).

AN ACT *to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.*

Preamble.

WHEREAS it is expedient to enhance the price of salt manufactured and sold in the Presidency of Fort St. George and the duty leviable on salt manufactured in or imported into the Presidency of Bombay; It is hereby enacted as follows:—

Repeal of enactments.

1. Act No. VI of 1844 *(for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by Sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort St. George)*, sections 44 and 45, and Act No. VII of 1861 *(to empower the Governor General in Council to increase the rate of duty leviable on Salt manufactured in, or imported into, any part of the Presidency of Bombay)*, Act No. XIX of 1866 *(to enhance the price of Salt manufactured and sold under the orders of the Governor of the Presidency of Fort St. George in Council)*, and the Ordinance to enhance the duty on salt in the Presidencies of Madras and Bombay, dated the fourth day of October 1869, are hereby repealed.

Price of salt in Madras.

2. The price to be paid to the Local Government for salt manufactured and sold under the orders of the Governor of the Presidency of Fort St. George in Council for consumption within the territories subordinate to that Presidency, shall be two rupees for every maund of three thousand two hundred tolas weight of salt;

And

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Duty on salt in Bombay.

And an excise duty of one rupee and thirteen annas per maund of three thousand two hundred tolas shall be levied on salt manufactured in, and a Customs duty of one rupee and thirteen annas per maund of three thousand two hundred tolas shall be levied on salt imported ~~either by sea or~~ by land into, any part of the Presidency of Bombay.

Rep. by act XIV of 1

Saving of duty in Sindh.

3. Nothing hereinbefore contained shall affect any duty now leviable on salt in the Province of Sindh.

Office Supdt. Govt. Printing—No 1606 L. C.—14-12-69.—3,500.

ACT No. XXV OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th December 1869).

AN ACT *to provide Rules for the manufacture, storing and sale of Alimentary Salt in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces, and for other purposes.*

Preamble.

WHEREAS it is expedient to provide rules for the manufacture, storing and sale of alimentary salt in the territories for the time being respectively under the governments of the Lieutenant Governors of the North-Western Provinces of the Presidency of Fort William and of the Panjáb and the administrations of the Chief Commissioners of Oudh and the Central Provinces; And whereas it is also expedient to impose a duty on salt manufactured in the said territories and to provide rules for the collection of such duty; It is hereby enacted as follows:—

Power to make rules for manufacture of salt

1. The Local Government may, with the previous sanction of the Governor General of India in Council, from time to time prescribe rules for the manufacture, storing and sale of alimentary salt in the said territories or any part thereof:

Provided that such rules are consistent with Act No. XIV of 1843 *(for regulating the levy of Customs Duties and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal)*, Act No. XXXVI of 1855 *(to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces)*, Act No. XIX of 1862 *(to extend to the Province of Oudh certain provisions of Acts XIV of* 1843 *and XXXVI of* 1855 *relating to the manufacture of contraband Salt, and to amend the last-named Act)*, and Act No. VII of 1864 *(for regulating the importation and manufacture of Alimentary Salt, in the Territories administered by the Chief Commissioner of the Central Provinces)*.

2. The

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2. The Governor General of India in Council may order the levy of a duty on salt manufactured in any of the said territories, and may from time to time alter such duty: provided that it shall not exceed three rupees per maund of three thousand two hundred tolas.

Duty on manufactured salt.

3. The Local Government may, with the previous sanction of the Governor General in Council, from time to time prescribe rules for the collection of the said duty in such manner and at such places as shall seem fit.

Power to make rules for collection of duty.

4. All rules made under this Act shall be published in the local official Gazette, and shall thereupon have the force of law.

Publication of rules.

5. Whoever knowingly violates any such rule, and whoever abets, within the meaning of the Indian Penal Code, any person in violating any such rule, shall be punishable on conviction before a Magistrate with fine not exceeding five hundred rupees, or with imprisonment for any term not exceeding six months, or with both:

Penalties.

Provided that, in imposing penalties under this section, no Magistrate shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure.

Office Supdt Govt. Printing.—No. 5605.—14-12-69.—3,000.

ACT No. XXVI. OF 1869.

Repealed by Act V 8/31

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 31st December 1869.)

An Act to correct a clerical error in Act No. VIII. of 1863.

Preamble.

WHEREAS Act No. VIII. of 1863 *(for the amendment of the law relating to the confinement of Prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of Prisoners convicted of offences in Native States)*, section 2, enacts that "Officers in charge of Jails within the British Territories in India shall be competent to give effect to any sentence which shall be passed by any Court or Tribunal acting under the authority of Her Majesty, or of the Government of India, or of any Local Government, although such Court be *not* situate in a place not subject to the general Regulations;"

And whereas it is expedient to correct the clerical error herein-before indicated by italics; It is hereby enacted as follows:—

Amendment of Act VIII. of 1863, section 2.

1. The said section shall be read as if, for the phrase "be not situate," the phrase "be situate," were substituted.

[PRICE 6 PIES.]

Madras—Printed by H. MORGAN, at the Fort St. George Gazette Press.